# Justice in Manitoba
# Key Indicators
# 1988

Manitoba
Attorney General

89-03385/

# JUSTICE IN MANITOBA

## KEY INDICATORS

## 1988

**MANITOBA ATTORNEY GENERAL**
**JAMES C. McCRAE**

**DEPUTY ATTORNEY GENERAL**
**GORDON PILKEY, Q.C.**

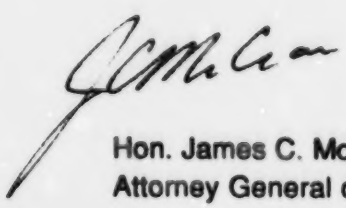
# Introduction

The Department of Attorney General is responsible for the integrity and improvement of the justice system in Manitoba. I want our justice system to be viewed with confidence by the people of Manitoba.

In this complex world, where both individuals and communities struggle to cope with systems not of their making, and not under their control, crime poses an increasing concern, particularly violent crime. Modern technology that makes the details of a crime in Toronto or Berlin as available as one committed in your local neighbourhood can fuel an atmosphere of fear based more on public perception than reality.

An essential tool in dispelling that atmosphere of fear is accurate information about how the system is functioning. This report provides that kind of information about key areas in the administration of justice in Manitoba. Building on what was contained in previous volumes, **Justice in Manitoba - Key Indicators 1988**, includes increased information from the Criminal Justice Division, especially about victim services. It also reflects the addition of the Corrections Division to the department following the 1988 election.

As Attorney General, I want the administration of justice in Manitoba addressed, and seen to be addressed, in a cohesive, co-ordinated fashion, in a way that is sensitive and responsive to the changing needs of all communities in our province. This report is one way of demonstrating how that is being done.



Hon. James C. McCrae
Attorney General of Manitoba

## TABLE OF CONTENTS


**Preface**

KEY INDICATORS FOR AREAS IN THE MANITOBA ATTORNEY GENERAL

**Criminal Justice Division** ..... 2

- Law Enforcement in Manitoba ..... 3
- Office of the Chief Medical Examiner in Manitoba ..... 8
- Law Enforcement Review Agency in Manitoba ..... 12
- Criminal Injuries Compensation Board ..... 16
- Criminal Prosecutions ..... 20
- Manitoba Police Commission ..... 25
- Board of Review ..... 26
- Victims Services ..... 27

**Justice Division** ..... 29

- The Public Trustee of Manitoba ..... 30
- Legal Aid Manitoba ..... 33
- Manitoba Human Rights Commission ..... 37
- Legal Services ..... 41
- Constitutional Law ..... 42
- Family Law ..... 42
- Law Reform Commission ..... 43

**Property Rights Division** ..... 44

- Manitoba Land Titles Office ..... 45
- Personal Property Registry in Manitoba ..... 48

**Courts Division** ..... 51

- Manitoba Court of Appeal ..... 52
- Court of Queen's Bench -- Criminal ..... 55
  - -- Civil ..... 58
  - -- Family Division ..... 61
  - -- Small Claims ..... 64
  - -- Probate ..... 67
  - -- Orderly Payment of Debts Program ..... 70
- Maintenance Enforcement Program in Manitoba ..... 73
- Sheriff's Services in Manitoba ..... 76
- Court Reporters ..... 79
- Court Communicators ..... 79
- Provincial Court ..... 80
- Legal Library Resources ..... 81

Masters/Referees ..... 83
Court Services/Administration ..... 83
**Corrections Division** ..... 84
**Legislation and Legal Translation Division** ..... 89

PREFACE

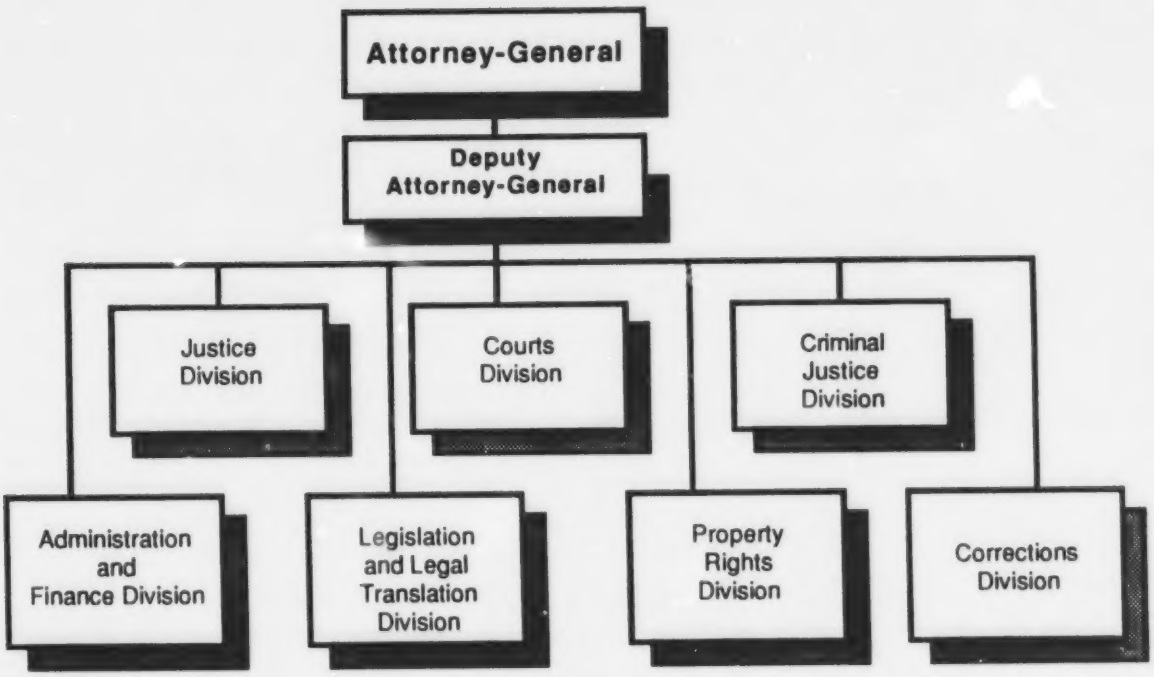
The third annual document "Justice in Manitoba, Key Indicators 1988" has been prepared for the Attorney General's Department. The descriptive information and activity indicators contained in the report can be used for a variety of purposes. The caseload indicators over time, for the many areas represented, provide a useful management tool and can assist in the daily activities and operations of areas within the Department. The report also serves as a public document for use by outside organizations and the general public.

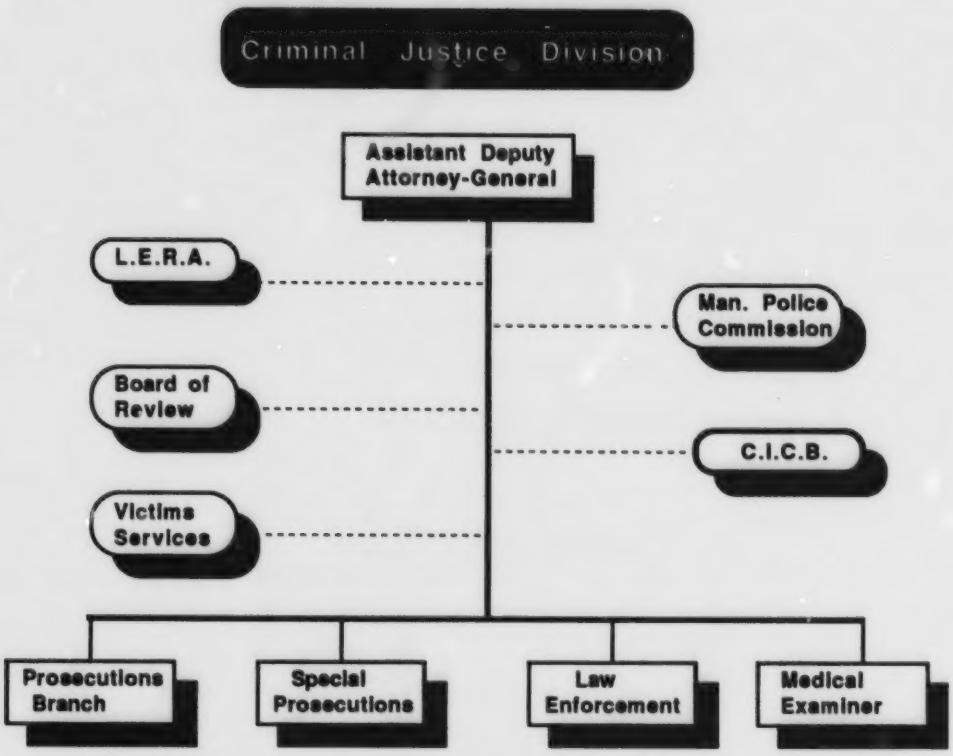
The 1988 report has caseload information available for a great number of areas in the Department. Three or four year periods of comparative data have been presented for most of these areas. A number of additional areas have been incorporated into the most recent report: Victims Services, Queen's Bench - Criminal, and Legal Library Resources. The Corrections Division, recently transferred to the Manitoba Attorney General, is also represented. In addition, a study of prosecutions for Court of Queen's Bench indictable offences is featured in the 1988 report in the Criminal Prosecutions section. Comparisons of Manitoba with other Canadian jurisdictions have also been provided, when available, for areas such as human rights, law enforcement, and criminal injuries compensation.

The objective of representation from all areas of the Department is a continuing one. Each year there are new areas added to the report, complete with caseload indicators. The incorporation of additional statistics from criminal justice and the courts is a major focus for the report over the next few years.

# MANITOBA ATTORNEY GENERAL

## DEPARTMENTAL ORGANIZATION CHART






The objective of the Criminal Justice Division is to maintain and enhance the integrity of the Criminal Justice System in Mantoba. It consists of four branches (Prosecutions; Special Prosecutions; Law Enforcement; and Medical Examiner) and four agencies (Law Enforcement Review Agency; Criminal Injuries Compensation Board; Manitoba Police Commission; and Board of Review).

There are also a number of programs related to Victims' Services which include the Victim/Witness Assistance Program, the Child Abuse Witness Program and two joint federal/provincial programs: Victim Impact Statement Project and Demonstration Project on the Videotaping of Child Sexual Abuse Victims.

## LAW ENFORCEMENT SERVICES IN MANITOBA

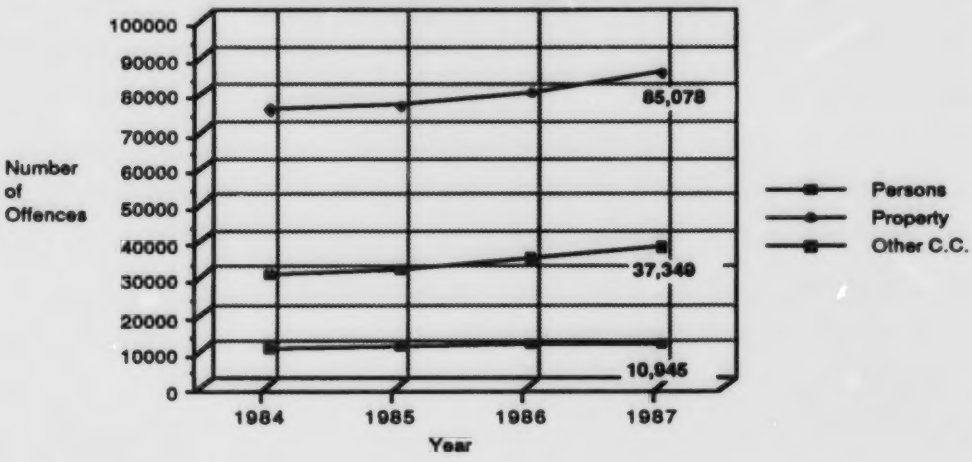
The Law Enforcement Branch ensures the delivery of policing and law enforcement services within the province. The branch monitors and coordinates all services under its direction, deals with the RCMP in both its contract policing and federal policing roles, deals with fifteen municipal forces (the largest of which are Winnipeg and Brandon), supervises the licensing of private investigators and security guards, administers the Federal Firearms Control legislation, conducts investigations for government departments and handles all other matters related to the provision of law enforcement services in Manitoba.

Under the supervision of a Director, the Law Enforcement Branch has a staff of seven. It utilizes the second largest portion of financial resources within the Department, with the RCMP contract representing almost 25.8% of the Department's annual budget, or approximately $34 million per year.

Provincial policing in Manitoba is provided by the RCMP in accordance with a Federal/Provincial agreement. The RCMP provide policing services in all municipalities, towns, villages, reserves, and local government districts which do not have their own municipal police. The director of Law Enforcement monitors the services provided, and makes recommendations regarding staffing, equipment, and policies. There are 72 rural and 24 municipal RCMP detachments throughout Manitoba. In 1987/88, the Province paid 64% of the costs of maintaining the RCMP, and the Federal Government paid 36%. The Province's share will increase by 2% a year to a maximum of 70% in 1990/91 when the present contract expires.

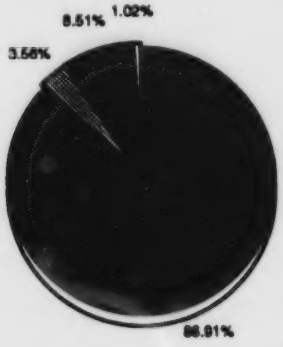
The Law Enforcement Services Branch receives enforcement statistics from police agencies in Manitoba. As such, the statistics highlighted for the report represent only those offences which have been reported to the police and do not necessarily indicate the actual extent of criminal activity in the province.

## LAW ENFORCEMENT SERVICES IN MANITOBA: TOTAL CRIMINAL CODE OFFENCES



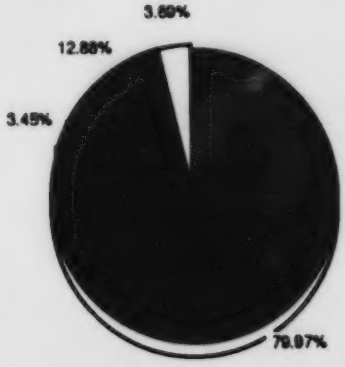

## LAW ENFORCEMENT 1987: TOTAL OFFENCE RATE PER 100,000 POPULATION

**Manitoba**




| | | |
|---|---|---|
| Criminal Code | | 12,465 |
| Federal Statutes | | 510 |
| Provincial Statutes | * | 1,221 |
| Municipal By-Laws | | 147 |
| Total: | | 14,343 |

**Canada**




| | | |
|---|---|---|
| Criminal Code | | 9,224 |
| Federal Statutes | | 398 |
| Provincial Statutes | * | 1,486 |
| Municipal By-Laws | | 426 |
| Total | | 11,534 |

* Excludes Traffic Offences

| Criminal Code Offences | Totals | | | | % Change | | |
|---|---|---|---|---|---|---|---|
| | 1984 | 1985 | 1986 | 1987 | 1985 | 1986 | 1987 |
| **Persons** | **9677** | **10502** | **10921** | **10945** | **+8.5** | **+4.0** | **+0.2** |
| Winnipeg[1] | 4745 | 5221 | 5670 | 5069 | +10.0 | +8.6 | -10.6 |
| Brandon | 441 | 381 | 384 | 405 | -13.6 | +0.8 | +5.5 |
| RCMP | | | | | | | |
| Rural | 3027 | 3312 | 3274 | 3690 | +9.4 | -1.1 | +12.7 |
| Municipal | 1464 | 1588 | 1593 | 1781 | +8.5 | +0.3 | +11.8 |
| **Property** | **74791** | **76054** | **79898** | **85078** | **+1.7** | **+5.1** | **+6.5** |
| Winnipeg[1] | 51593 | 52768 | 56386 | 59015 | +2.3 | +6.8 | +4.7 |
| Brandon | 3410 | 3685 | 4497 | 4686 | +8.1 | +22.0 | +4.2 |
| RCMP | | | | | | | |
| Rural | 12858 | 12863 | 11341 | 13720 | +0.1 | -11.8 | +21.0 |
| Municipal | 6930 | 6738 | 7674 | 7657 | -2.8 | +13.9 | -0.2 |
| **Other C.C.** | **30351** | **31425** | **34348** | **37349** | **+3.5** | **+9.3** | **+8.7** |
| Winnipeg[1] | 15965 | 17747 | 19778 | 20889 | +11.2 | +11.4 | +5.6 |
| Brandon | 1415 | 1263 | 1364 | 1536 | -10.7 | +8.0 | +12.6 |
| RCMP | | | | | | | |
| Rural | 7478 | 7286 | 7549 | 8624 | -2.6 | +3.6 | +14.2 |
| Municipal | 5493 | 5129 | 5657 | 6300 | -6.6 | +10.3 | +11.4 |
| **Total C.C.[2]** | **114819** | **117981** | **125167** | **133372** | **+2.8** | **+6.1** | **+6.6** |
| Winnipeg[1] | 72303 | 75736 | 81834 | 84973 | +4.7 | +8.1 | +3.8 |
| Brandon | 5266 | 5329 | 6245 | 6627 | +1.2 | +17.2 | +6.1 |
| RCMP | | | | | | | |
| Rural | 23363 | 23461 | 22164 | 26034 | +0.4 | -5.5 | +17.5 |
| Municipal | 13887 | 13455 | 14924 | 15738 | -3.1 | +10.9 | +5.4 |

1 Winnipeg totals for 1986 include projections for Q2, Q3, and Q4.

2 Excluding the RCMP, there are 11 municipal U.C.R. police reporting agencies in the province. For the purposes of this report, only the two largest (Winnipeg, Brandon) have been included. These two municipal agencies, along with the RCMP, comprise the great majority of offence data within the province.

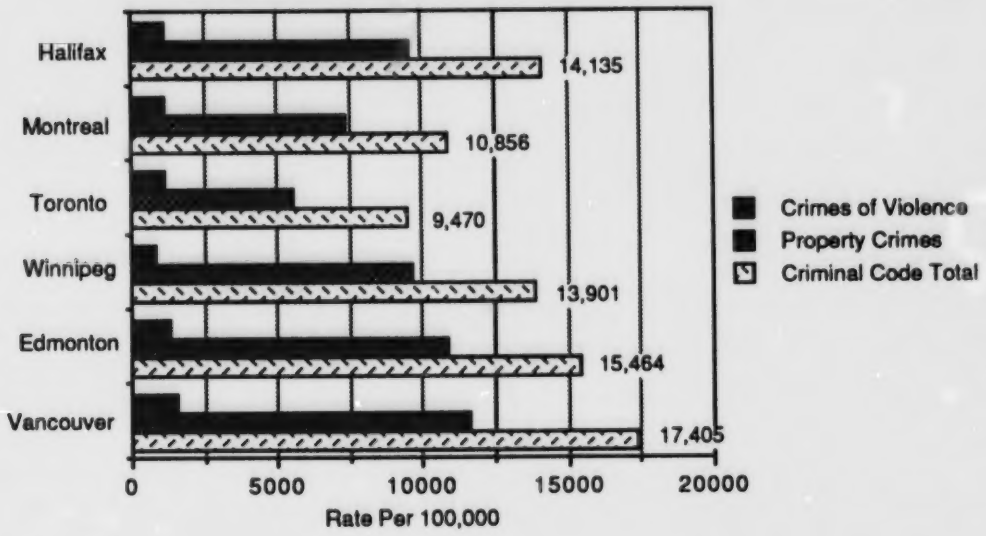
Total offences reported to the police under the *Criminal Code* saw an increase in 1987 of 6.6%, the largest increase over the period 1984 to 1987. Offences against persons experienced virtually no increase in 1987 (+0.2%) overall, while offences against property continued to rise with just over 5,000 more offences reported for the same year (+6.5). Other *Criminal Code* offences had the largest proportional increase

at 9.3% and 8.7% in both 1986 and 1987.

*Criminal Code* offences, when viewed by the policing regions in the province, provided the following information. Total *Criminal Code* offence rate increases in 1987 ranged from a low in Winnipeg (3.8%) to RCMP rural (+17.5%). Brandon and RCMP municipal, meanwhile, increased moderately at 5 to 6% each. Winnipeg's low overall increase for 1987 can be attributed to an 11% decrease for offences against persons and only moderate increases for property (4.7%) and other *Criminal Code* offences (5.6%). Brandon's overall increase of 6.1% was influenced by a 12.6% rise in other *Criminal Code* offences, with lower increases for offences against persons (5.5%) and property (4.2%). RCMP rural's high overall increase of just over 17% was bolstered by increases in each of the *Criminal Code* categories by at least 12%: persons (12.7%); property (21.0%); and other (14.2%). Finally, RCMP municipal had the second lowest overall increase in 1987 (5.4%), mainly because of no real change occurring in the largest category of property offences (-0.2%).

When the rate for *Criminal Code,* Federal Statute, Provincial and Municipal offences for Manitoba and Canada was examined, the following results emerged. Manitoba had a total offence rate per 100,000 population of 14,343 which was nearly 3,000 offences higher than that of Canada (11,534). Differences amongst offence types showed that Manitoba had a higher *Criminal Code* rate than did Canada. The largest disparity occurred in the *Criminal Code* property offence rates of Manitoba (8,026) and Canada (5,731). The difference between the offences against persons rate was also considerable - Manitoba 1,028; Canada 856. Conversely, Canada had higher rates for Provincial and Municipal offences than Manitoba in 1987.

**1987 CRIMINAL CODE OFFENCES: RATE PER 100,000 POPULATION**




The *Criminal Code* offence rate for 1987 was examined for six large Canadian cities. Winnipeg ranked fourth (13,901), behind Vancouver (17,405), Edmonton (15,464) and Halifax (14,135) for total *Criminal Code* offences. The rate of offences against persons in Winnipeg was the lowest (830) among the six cities, with the largest rate found in Vancouver (1572), nearly double the rate for Winnipeg. The offences against property rate for Winnipeg was higher and was ranked third (9,654) among the six cities with Vancouver again having the highest rate at 11,603.

The 1987 Manitoba rate in relation to other provinces* provided the following information. The total *Criminal Code* offence rate for Manitoba (12,465) was ranked second only to British Columbia (13,851). Similarly, the provincial rate for offences against property and persons were each ranked second after British Columbia. The lower relative ranking of Winnipeg compared to other major urban centres and the higher ranking of Manitoba compared to other provinces, indicate that Manitoba's high provincial ranking for *Criminal Code* offences is influenced by offences occurring outside of Winnipeg.

*Provincial comparisons do not include the Territories.

## OFFICE OF THE CHIEF MEDICAL EXAMINER

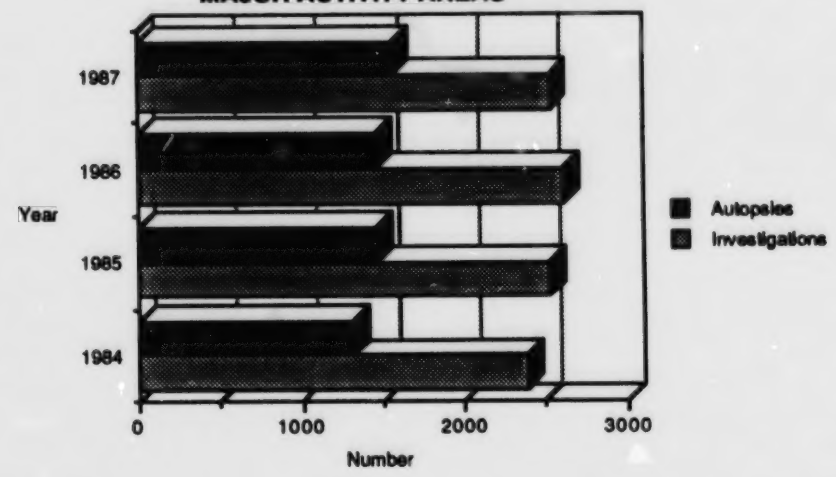
The Chief Medical Examiner's Office is a quasi-judicial operation which functions under the authority of *The Fatality Inquiries Act.* It provides for the proper and efficient investigation of all violent, unexplained, unexpected, or suspicious deaths within Manitoba. The investigation may include an examination of the scene, a thorough postmortem examination (including autopsy when required), leading to certification of cause and manner of death. The complexity and sophistication of these procedures vary in each situation. The office also has a mandate to investigate all children's deaths, to review the activities of Child and Family Services Agencies and submit a detailed report to the Minister of Community Services.

Inquests are called by a committee that meets when required. The purpose of an inquest is to make recommendations arising from the circumstances surrounding a death that will contribute to the safety and benefit of others . An inquest can also be ordered to determine fault or safety violations; to absolve a person, a company, or an institution; to make a public record; to clear the air; or to satisfy public demand.

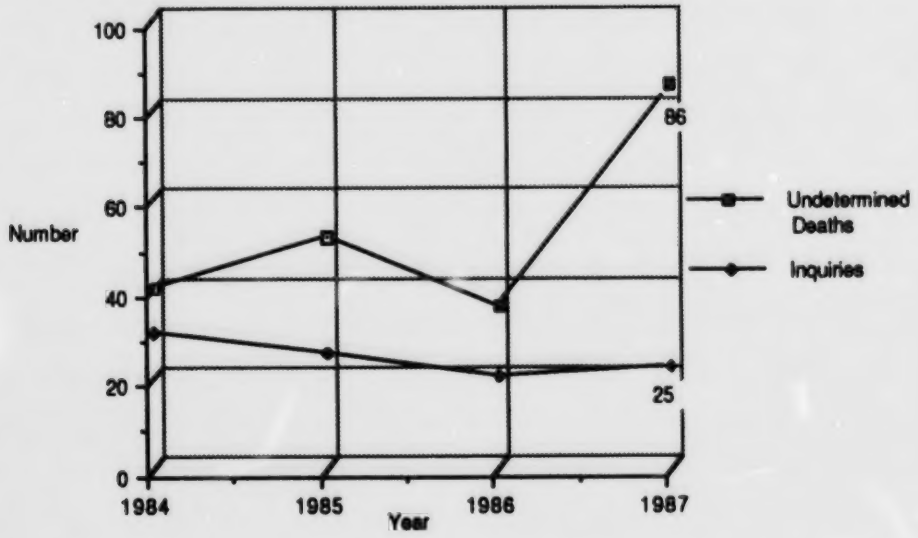
The Office plays an important role in forensic pathology for educational, statistical, and research purposes. It provides a broad range of health-related services such as grief counselling, supportive nursing care and family needs assessment. It also works to increase public awareness of the organ donor program.

The Chief Medical Examiner is assisted by a staff of six, including three full-time Medical Examiner's Investigators. Other physicians in the province may be appointed by the Chief Medical Examiner to function as Medical Examiners. There are currently 73 Medical Examiners in Manitoba, ten of whom are geographically located in Winnipeg. They have full authority under the jurisdiction of *The Fatality Inquiries Act* to order autopsies without the consent of the next-of-kin, and to recommend inquests as necessary.

**OFFICE OF THE CHIEF MEDICAL EXAMINER:**
**MAJOR ACTIVITY AREAS**




**OFFICE OF THE CHIEF MEDICAL EXAMINER:**
**UNDETERMINED DEATH AND INQUEST INDICATORS**



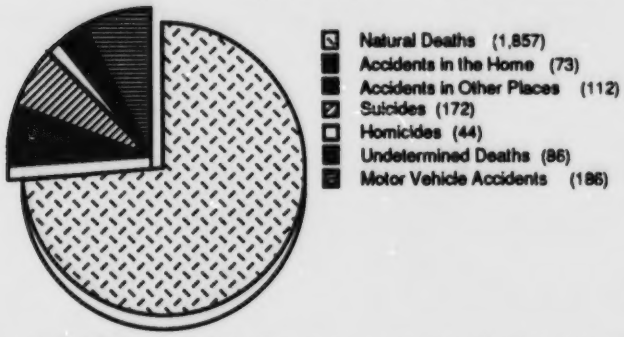
| Indicator Area | Number | | | | % Change | | |
|---|---|---|---|---|---|---|---|
| | 1984 | 1985 | 1986 | 1987 | 1985 | 1986 | 1987 |
| Investigations | 2,386 | 2,522 | 2,600 | 2,530 | + 5.4 | + 3.0 | - 2.7 |
| Autopsies | 1,307 | 1,456 | 1,460 | 1,552 | + 10.2 | + 0.3 | + 6.3 |
| Undetermined Deaths* | 40 | 51 | 36 | 86 | + 21.6 | - 29.4 | +138.9 |
| Inquests | 30 | 25 | 20 | 25 | - 16.7 | - 20.0 | + 25.0 |

*NOTE: The term "undetermined deaths" refers to those cases where the actual manner of death could not be ascertained.

In 1987, the number of investigations declined slightly (-2.7%) while the autopsies performed climbed approximately 6% from the previous year. Autopsies which form a component of investigations as required, peaked in 1987 at 61% compared with the low of 55% in 1984, when comparing the four year period 1984 to 1987.

Undetermined deaths showed broad fluctuations over the four-year period ending in 1987, with the number performed well over double when compared to the preceeding year. Inquests into the cause of death declined by at least 16% in 1985 and 1986 while 1987 had a 25% increase.

**Manitoba Fatality Inquiry Act Statistics:**
**Manner of Death, 1987 (N = 2,530)**




In 1987, most of 2,530 total fatalities were natural deaths (73%). The major causes of death were heart disease (56%) followed by post-operative causes (8%).

Motor vehicle accidents (7%) and suicides (7%) came after natural causes in frequency. Most motor vehicle accident deaths were vehicle/vehicle (38%) and single vehicle (25%). Use of alcohol was cited for 43% of these fatalities. Suicides occurred primarily from firearms (36%), hanging (28%) and drugs/alcohol (17%), with 38% of suicides listed as alcohol-related. The 20-29 age group constituted 25% of suicides followed by the 40-49 (18%) and the 30-39 (17%) groups as the three largest age group categories.

Accidents in the home and in other places represented 3% and 4%, respectively. Accidents in the home resulted primarily from falls (33%) and smoke inhalation (29%). Accidents in other places had 15% involving industrial accidents, while drowning (27%) and exposure (11%) were the other largest causes of death.

Homicides formed the smallest category of fatalities for 1987 (2%). Most homicides were caused by blunt weapon/violence (36%), firearms (25%) and cutting/stabbing (23%). Sixty-one percent of homicides were alcohol-related.

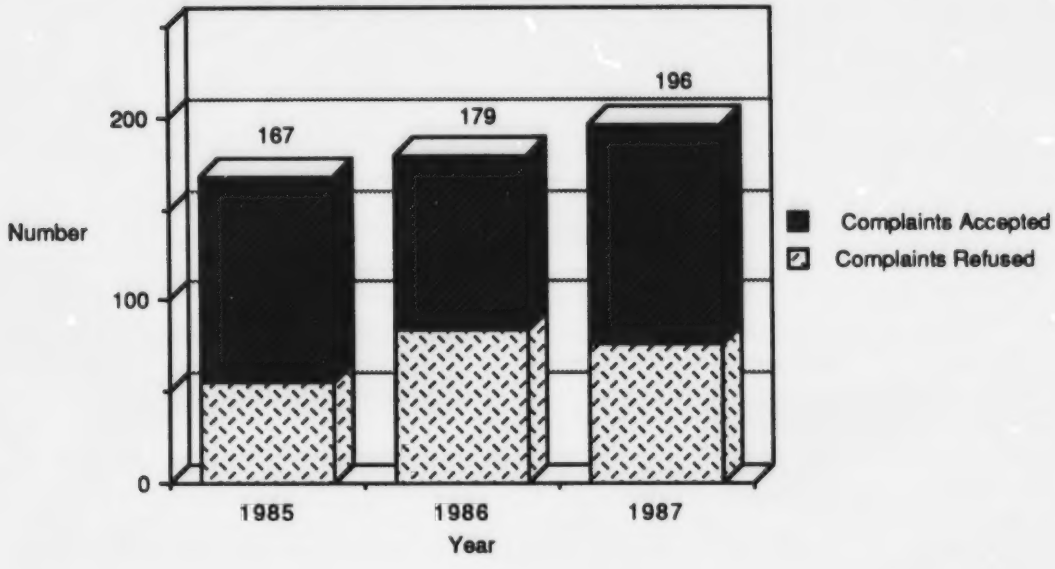
In 1987, 64% of the fatalities were male and 36% were female. A female/male ratio comparison of fatalities revealed that the highest ratio of female fatalities was from natural deaths (39%), undetermined deaths (38%), homicides (34%), and accidents in the home (30%). Conversely, a male/female ratio comparison of fatalities indicated that the highest male fatalities came from accidents in other places (85%), motor vehicle accidents (73%), suicides (73%), and accidents in the home (70%).

## LAW ENFORCEMENT REVIEW AGENCY

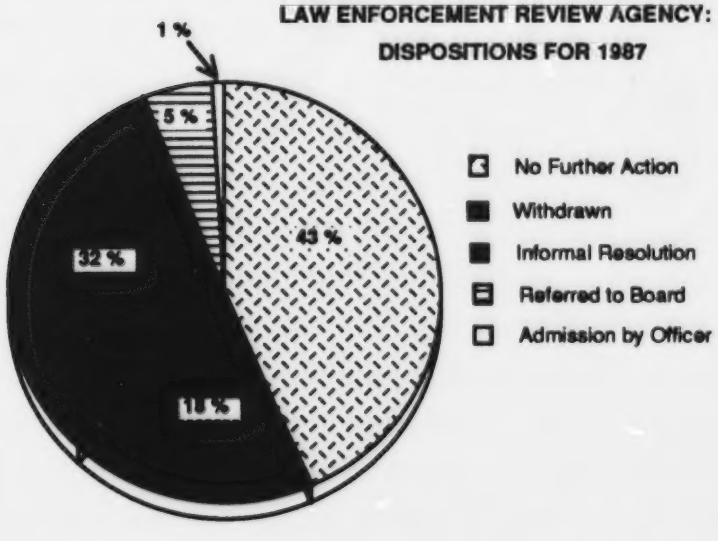
The Law Enforcement Review Agency began operating on February 1, 1985 under *The Law Enforcement Review Act* to receive and investigate public complaints against all municipally appointed police officers (non-R.C.M.P.). The Agency is staffed with a full-time Commissioner and Registrar along with a 12 member board. Since the Winnipeg Police Department comprises over 90% of the municipal police officers in the Province, coming within the jurisdiction of *The Law Enforcement Review Act,* that department accounts for almost all of the Agency's workload. L.E.R.A. does not have jurisdiction over the R.C.M.P., which has its own internal disciplinary mechanism.

L.E.R.A. adjudicates and attempts to resolve complaints which are determined to be valid, as well as rejecting complaints found to be invalid or outside of the Agency's jurisdiction. When cases are not resolved by any of the above methods, the complaint is referred to the L.E.R.A. Board for a formal hearing. Referral to the Board can be made by the L.E.R.A. Commissioner when an informal resolution is not achievable or by the Manitoba Police Commission when it overrules a decision by the L.E.R.A. Commissioner to take no further action.

## LAW ENFORCEMENT REVIEW AGENCY: TOTAL CITIZENS' REPRESENTATIONS




## LAW ENFORCEMENT REVIEW AGENCY: DISPOSITIONS FOR 1987



| Indicator Area | Number | | | % Change | |
|---|---|---|---|---|---|
| | 1985 | 1986 | 1987 | 1986 | 1987 |
| **Total Citizens' Representations** | 167 | 179 | 196 | + 7.2 | + 9.5 |
| Complaints Refused (Non-Jurisdictional) | 55 | 84 | 76 | +52.7 | - 9.5 |
| Complaints Accepted | 112 | 95 | 120 | -15.2 | +26.3 |
| **Disposition** | | | | | |
| No Further Action | 33 | 43 | 42 | | |
| Withdrawn | 25 | 18 | 18 | | |
| Informal Resolution | 25 | 22 | 31 | | |
| Referred to Board | 3 | 10 | 5 | | |
| Admission By Officer | - | 1 | 1 | | |
| **Total** * | 86 | 94 | 97 | + 9.3 | +3.2 |
| **Files Carried Over** | 26 | 27 | 52 | + 3.8 | +92.6 |

* Dispositions for each of the years shown include cases from the current year and some cases from the previous year.

The number of citizens' representations to L.E.R.A. increased steadily from 1985 to 1987 with nearly a 10% increase in 1987. Complaints refused, while being higher for the last two years, experienced almost a 10% decrease for the most recent year. This resulted in an increase in complaints accepted of approximately 25% for 1987.

The number of cases disposed of rose over the last two years with a 9.3% increase in 1986 followed by a 3.2% increase in 1987. "No further action" was the most frequent method of disposition for all three years, including 1987 (n=42). A decision would be taken by the Commissioner not to take any further action where the complaint did not fit into the parameters of *The Act* or where it was deemed to be frivolous or vexatious. "Informal resolution" (n=31) facilitated by the Commissioner and "complaint withdrawn" (n=18) followed in frequency. The number of files carried over from 1986 to 1987 increased substantially and was influenced by the larger caseload in 1987 coupled with the time required to settle many of the cases.

The particulars of the citizens' representations are illustrated in the table below:

| Type of Allegation* | Number | |
|---|---|---|
| | 1986 | 1987 |
| Using unnecessary violence or excessive force | 43 | 63 |
| Using oppressive or abusive conduct or language | 45 | 77 |
| Being discourteous or uncivil | 29 | 20 |
| Discrimination | 1 | 4 |
| Damaging property or failing to report the damage | 3 | - |
| Making a false statement | 2 | 4 |
| Arrest without reasonable or probable grounds | 7 | 7 |
| Failing to provide assistance | - | 3 |
| Other | 4 | 2 |
| TOTAL | 134 | 180 |

*Some complaints involved multiple allegations

The great majority of citizens' complaints in both 1986 and 1987 concerned unnecessary violence/force or oppressive/abusive conduct or language on the part of police officers. The most recent year saw large increases for each of the main categories above at roughly 45% and 70%, respectively. Discourteous or uncivil behaviour by police officers followed in frequency for both years, but experienced a 31% decrease in the most recent year. The remaining allegations constituted less than 10% for both 1986 and 1987.

Demographic information on the complainants (or affected persons) for 1987 indicated that most of the complaints concerned individuals aged 18-30 years (45%) followed by over 30 years (43%). The remaining complainants, the under 18 years of age group, had the lowest representation (12%). Males were the complainants in the majority of cases (82%).

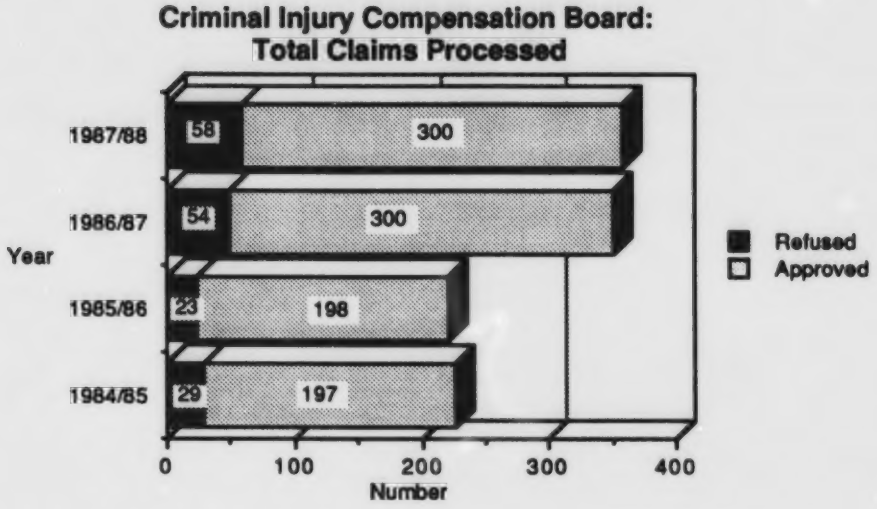
## THE CRIMINAL INJURIES COMPENSATION BOARD

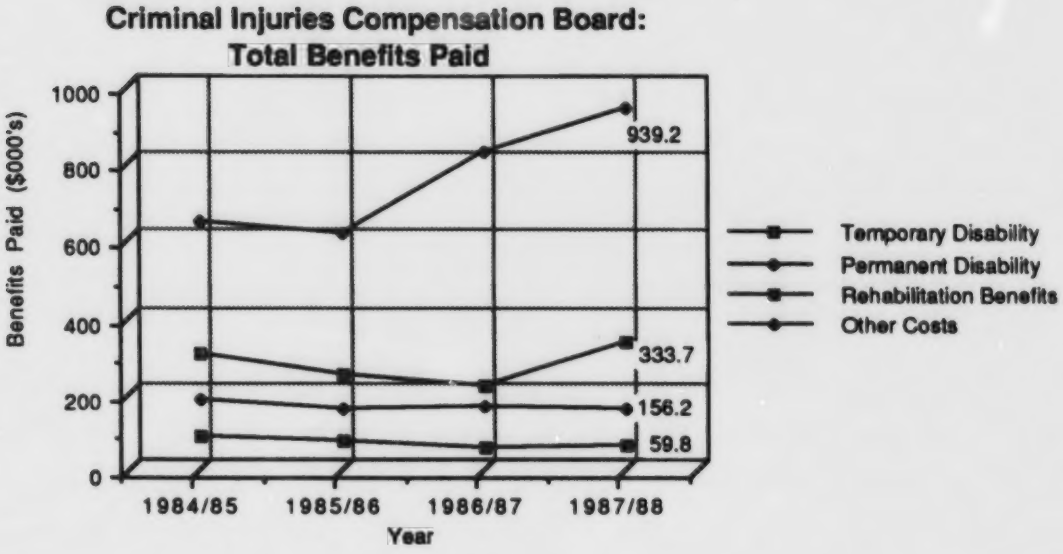
*The Criminal Injuries Compensation Act* came into effect in July, 1970 to provide benefits to injured victims of crime or their dependents in an amount similar to compensation paid to workers under *The Workers Compensation Act.* The Criminal Injuries Compensation Board handles the claims for assistance.

Any person who is an innocent victim of crime and sustains an injury, or who is injured while attempting to arrest any person, preserve the peace, or assist a police officer, may file a claim with the Criminal Injuries Compensation Board. The Board will also provide benefits to a surviving spouse, parent, child or other dependent of someone injured or killed in the above circumstances. Compensation can include funeral expenses, maintenance of dependents, or wage benefits for the injured person.

Staff currently comprises a Registrar, an Assistant to the Registrar, and a secretary for support services. The Workers Compensation Board of Commissioners establishes policy and criteria for the operations of the Criminal Injuries Compensation Board, and support services are provided by the Finance/Accounting and Medical Services of the Workers Compensation Board.

Over a million dollars is paid out annually in benefits. An appeal process was established in 1984, but only a small number of initial decisions were appealed in 1987-88. The volume of inquiries is increasing as more people become aware of the program through victim services, local police, and other sources.


Criminal Injury Compensation Board:
Total Claims Processed
1987/88
1986/87
1985/86
1984/85
Year
58
300
54
300
23
198
29
197
0
100
200
300
400
Number
Refused
Approved


Criminal Injuries Compensation Board:
Total Benefits Paid
Benefits Paid ($000's)
1000
800
600
400
200
0
939.2
333.7
156.2
59.8
1984/85
1985/86
1986/87
1987/88
Year
Temporary Disability
Permanent Disability
Rehabilitation Benefits
Other Costs

| | Number | | | | % Change | | |
|---|---|---|---|---|---|---|---|
| **Indicator Area** | 1984/85 | 1985/86 | 1986/87 | 1987/88 | 1985/86 | 1986/87 | 1987/88 |
| **No. of Claims Processed** | 226 | 221 | 354 | 358 | - 2.2 | + 60.2 | +1.1 |
| - Refused | 29 | 23 | 54 | 58 | - 20.7 | + 134.8 | +7.4 |
| - Approved | 197 | 198 | 300 | 300 | + 0.5 | + 51.5 | - |
| **Benefits Paid ($ 000's)** | 1,208.1 | 1,086.1 | 1,257.4 | 1,488.9 | - 10.1 | + 15.8 | +18.4 |
| - Temporary Disability | 298.8 | 247.5 | 216.1 | 333.7 | - 17.2 | - 12.7 | +54.4 |
| - Permanent Disability | 641.6 | 614.0 | 825.7 | 939.2 | - 4.3 | + 34.5 | +13.7 |
| - Rehabilitation Benefits | 84.2 | 70.1 | 55.6 | 59.8 | - 16.7 | - 20.7 | +7.0 |
| - Other Costs* | 183.5 | 154.5 | 160.0 | 156.2 | - 15.8 | + 3.6 | -2.4 |

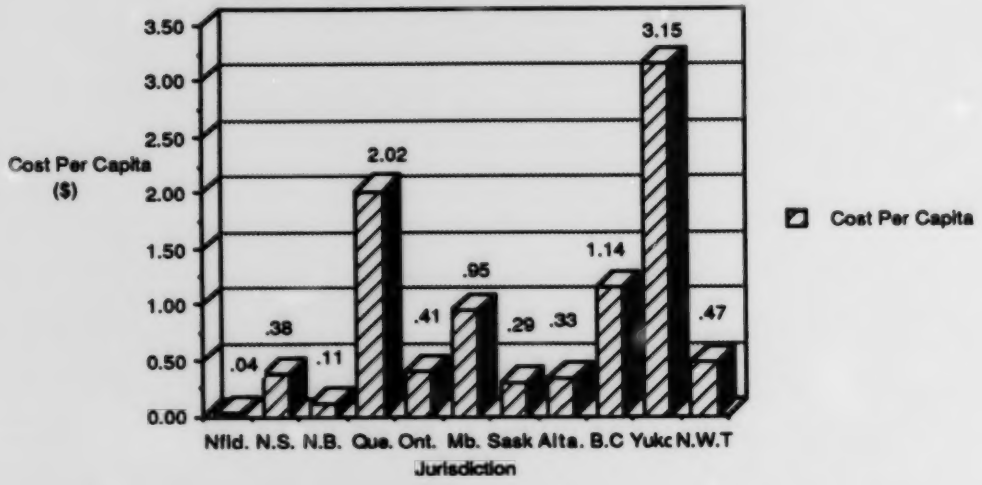
*Includes Attendants Allowance, Medical/Dental/Travelling/Clothing Costs & Rehabilitation Cash Benefits.

The number of claims processed and claims approved underwent little or no change for the fiscal year 1987/88. This was in contrast to increases of at least 50% each for both areas in 1986/87. The number of claims refused saw a modest 7.4% increase in the most recent year after having risen by well over 100% in 1986/87.

For 1987/88, nearly three-quarters (73%) of the claimants were male. Most of the claimants were the 26 - 30 age group (20%) followed in frequency by the 21 - 25 (17%) and the 16 - 20 (12%) groups. Employment status for the most recent year revealed that 45% of the claimants were employed while the remaining 55% were unemployed (students, retirees and those not in the work force). The crime occurrence area of the province where the claims were filed saw 89% from Winnipeg, 2% from Brandon and 9% from other areas of Manitoba for 1987/88.

Benefits paid in 1987/88 under the program increased overall by approximately 18%. The largest increase was for temporary disability (+54.4%). Permanent disability increased moderately (+13.7%) in the most recent year compared with the increase of nearly 35% from 1986/87. Rehabilitation costs increased by 7% in 1987/88 in contrast to considerable decreases of at least 15% for the two previous years. The other costs experienced a slight decrease (-2.4%).

**CRIMINAL INJURIES COMPENSATION IN CANADA: COST PER CAPITA, 1985-86**




The per capita cost of criminal injuries compensation in Canada varied considerably in 1985/86. However, seven of the eleven jurisdictions with compensation plans had per capita costs under 50 cents per person, ranging from .04 in Newfoundland to .47 in the Northwest Territories. Manitoba emerged with the fourth most generous plan (.95) after the Yukon (3.15), Quebec (2.02) and British Columbia (1.14). Conversely, Ontario and Alberta had much lower per capita payments at .41 and .33, respectively. Eligibility criteria, along with the type and length of coverage for claimants, all impact on the total costs incurred by each Canadian jurisdiction.

The federal contribution to compensation plans in the jurisdictions also showed variations ranging from 90% in both Newfoundland and New Brunswick to 4.9% in Quebec. Manitoba's receipt of federal contribution followed closely behind Quebec at 10.5%. The type of agreement outlining the federal contribution affects the proportion of costs covered. In Manitoba's case, for example, federal payments based on a relatively static population do not address the fact that costs for compensation have nearly tripled in the last six years.

## CRIMINAL PROSECUTIONS

The Prosecutions Branch provides for the prosecution of criminal offences in Manitoba, including provincial, *Criminal Code*, and some federal offences, young offender prosecutions under the *Young Offenders Act (Canada)*, and special prosecutions related to particularly intricate cases involving commercial fraud or other serious matters.

The Director of Criminal Prosecutions supervises 50 other lawyers and support staff. Personnel are based in several Winnipeg locations, as well as Brandon, Dauphin, Portage la Prairie, The Pas and Thompson. There are various court circuits which operate out of each area. Crown prosecutors are assigned on a rotation basis to the various circuits, and travel with the court to the different centres along the route. A group of three lawyers handle the special prosecution cases.

Annual, comparative statistics from Criminal Prosecutions are not available at this time. It is anticipated that a system of indicator statistics will be developed and available in the near future.

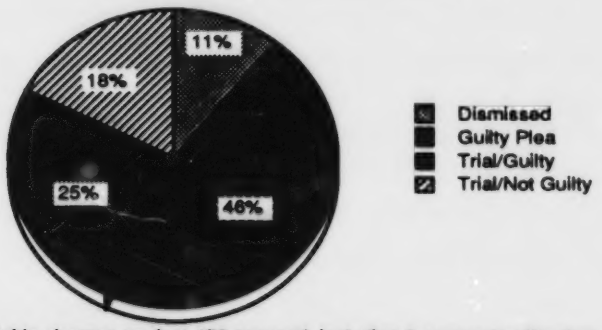
## Prosecution of Indictable Offences in Court of Queen's Bench Winnipeg, 1987

A study of criminal prosecutions for all indictable offences in Court of Queen's Bench Winnipeg was conducted for 1987. There were a total of 635 charges examined involving 476 accused individuals.** The offences dealt with by indictment were primarily *Criminal Code* charges (94%) with the remaining charges under Federal Statutes (*Narcotic Control Act* ).

Males constituted the majority of individuals charged with indictable offences (92%). Nearly 70% of the individuals charged were from 18-35 years of age with 36% falling in the 18-24 age category. The majority of persons (70%) had an educational level of grade 11 or less followed by grade 12 (23%) and at least some post secondary education (7%). The majority of accused were either single (51%) or married/cohabitating (33%).

When the outcome for all individuals charged with indictable offences was examined, the following results emerged:

**OUTCOME OF MAJOR CHARGE OF ACCUSED* FOR 1987**
**QUEEN'S BENCH WINNIPEG**



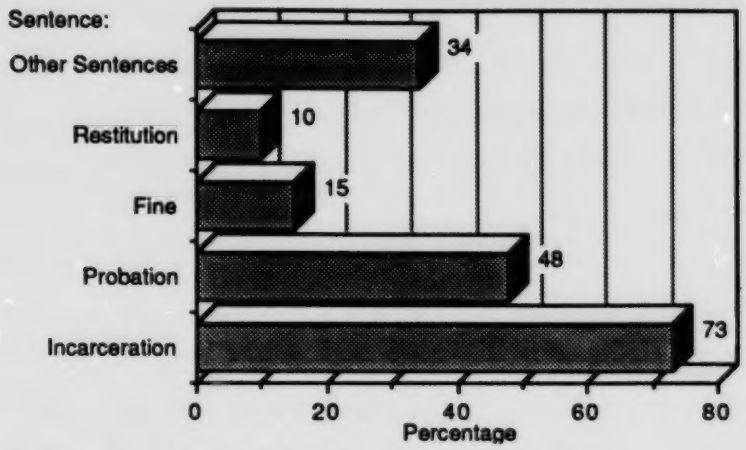

*Involves indictable charges against 476 accused, including 8 corporate offenders.

Among those who entered a plea of guilty (46%), all pleas were given prior to or at the preliminay hearing. In addition, of those with dismissed charges (11%), all occurred prior to the preliminary hearing. Among those accused who went to trial for indictable offences (43%), 60% were found guilty and 40% were found not guilty.

Disposition upon a finding of guilt, either by a guilty plea or at trial (n=342), resulted in the following sentences:

** Some of the accused had more than one major (or most serious) charge.

**SENTENCE GIVEN FOR INDIVIDUALS FOUND GUILTY OF INDICTABLE OFFENCES, QUEEN'S BENCH (WPG.), 1987**

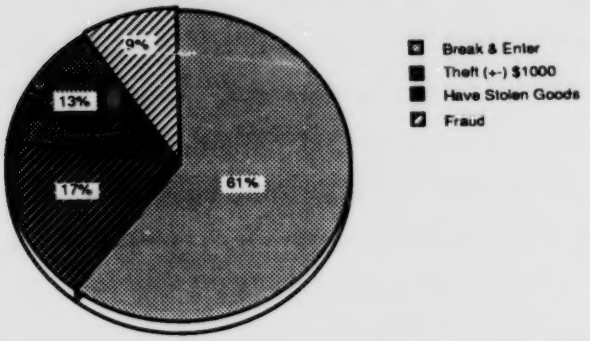



It should be noted that more than one sentence was given to some of the offenders. Incarceration was the most common sentence, to nearly three-quarters of those found guilty.

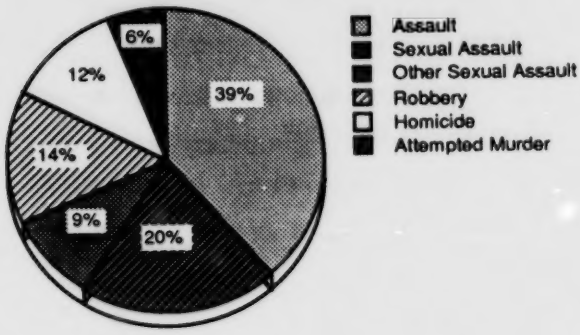
Appeals were launched for 11% of the offenders whose charges had either gone to trial or been plea bargained (n=426). The appeal was most often made in relation to sentence (53%) followed by sentence/fact of law (33%) and fact of law (13%). Defence counsel initiated the majority of appeals (67%) in contrast to Crown-intiated appeals (33%). The outcome of the appeals revealed that in most cases (64%) the original trial outcome was upheld, with sentence reduction (13%), sentence increase (9%), other outcome (9%) and verdict overturned (4%) following in frequency.

Among the charges under the *Criminal Code*, most were offences against persons (54%) with offences against property (28%) and other *Criminal Code* (13%) following in frequency. Federal offences under the *Narcotic Control Act* represented the remaining charges (6%). A breakdown of the type of offences against property and persons and the outcome of all *Criminal Code* indictable offences for 1987 is presented below:

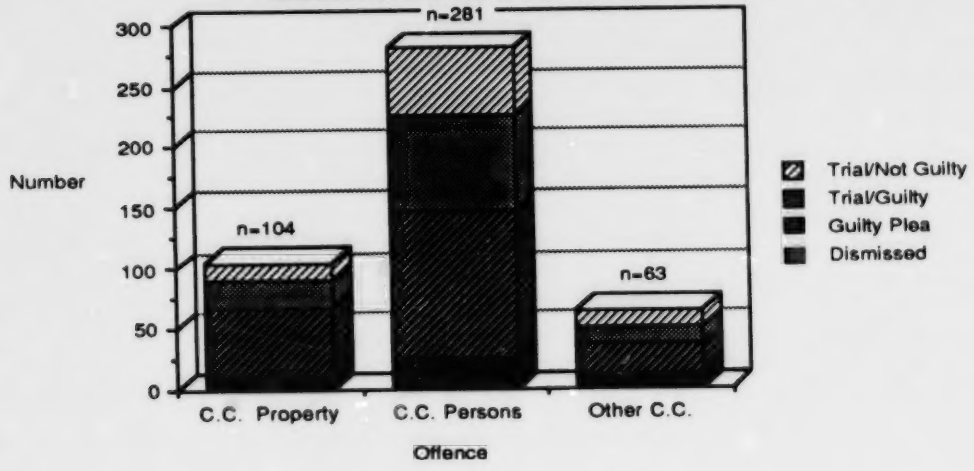
**OFFENCES AGAINST PROPERTY: ACCUSED CHARGED**
**1987 (N=104)**




**OFFENCES AGAINST PERSONS: ACCUSED CHARGED**
**1987 (N=281)**




**CRIMINAL CODE INDICTABLE OFFENCES DISPOSED OF IN 1987**
**QUEEN'S BENCH WINNIPEG**



Individuals charged with *Criminal Code* offences for property, persons and other offences all had the largest proportion dealt with by guilty pleas (56%, 43% & 38%, respectively). Dismissal of charges was more frequent for those charged with other offences(19%) than for property and persons offences (9% each). The remaining charges for each of the *Criminal Code* categories involved a trial, with property offences resulting in 23% found guilty and 12% found not guilty. Offences against persons (28% & 20%, respectively) and other offences (22% & 21%, respectively) were more evenly balanced in trial outcome for the accused.

Of those persons charged with Federal Statute offences *(Narcotic Control Act)* , 64% were disposed of by a guilty plea while 14% were dismissed. Trial outcome, involving the remaining 21% of the accused, indicated that 14% were found guilty while the remaining 7% were found not guilty. Charges under the *Narcotic Control Act* most often involved trafficking in a narcotic & possession of a narcotic for the purpose of trafficking (96%) as opposed to importing a narcotic into Canada (4%).

## MANITOBA POLICE COMMISSION

The Manitoba Police Commission, instituted under *The Provincial Police Act,* is an independent researching, standardizing, and coordinating body, which promotes the prevention of crime, the efficiency of police services and police/community relations in the province. It handles inquiries and considers appeals from disciplinary procedures within the non-R.C.M.Police municipal police forces. As well, it hears appeals of decisions from other police commissions. The majority of complaints are first-time complaints and are referred to local police. The Commission only hears appeals. The Commission may make recommendations to the Attorney General relating to police policy, training, recruitment, equipment and standards.

The Commission, which usually meets monthly, has four persons on its executive, in addition to a chairperson. The Board members provide direction to the staff of Executive Director, Crime Prevention Coordinator and Administrative Secretary.

Considerable progress was made in the development of equipment regulations. A Protocol for the Police Handling of Sexual Assault Complaints was approved by the Attorney General and forwarded to Municipal Police Departments. After much research the development of high-speed pursuit guidelines is nearing completion.

A major police recruiting study was conducted to determine: existing Manitoba Municipal Police recruiting standards and systems, those standards and procedures in use in other provinces, and a review of available literature, with the objective of making recommendations for a sound regulatory base for police recruiting in Manitoba.

Educational programs have been developed and are conducted throughout the province to promote mutual awareness, understanding and support between police and the communities they serve. A variety of pamphlets and booklets on a number of crime prevention programs are made available to the public, businesses, law enforcement agencies, and other interested groups.

## BOARD OF REVIEW

The Board of Review was established under Section 547 of the *Criminal Code (Canada)* to review the cases of person found unfit to stand trial, or found not guilty by reason of insanity, who are being detained under Lieutenant-Governor's warrants. The Board consists of four persons, under the direction of a chairperson, and meets regularly to review reports from doctors, psychiatrists, social workers, and families of those under review. The Board meets personally with each person being detained at least once a year. If a person is declared fit to stand trial after a period of treatment, the Board will recommend return to the court system. Counsel to the Board is located in the Criminal Prosecutions Branch Department.

Thirty-three persons were being detained as of March 31, 1988, twenty-seven male and six female, for offences including murder, assault causing bodily harm and sexual assault. Twenty-three were found not guilty by reason of insanity, and ten were found unfit to stand trial. Seventeen were detained at the Selkirk Mental Health Centre; one at Stony Mountain Penitentiary; three at Headingley Correctional Institution; two at Brandon Mental Health Centre; two at the Manitoba Youth Centre; one at Portage Correctional Institute for Women; one at the Manitoba Development Centre and six were living outside institutions under supervision.

## VICTIMS SERVICES

Several programs focus on services and programs for victims of crime.

### Victim Witness Assistance Program

The program is designed to provide information and assistance to victims and witnesses in the justice process. Informational services include case outcome, witness appearance in court, court dates for appearance and court document explanations. Services involve witness expenses, escort to court and calls to witnesses regarding court re-scheduling. The program receives in the area of approximately 1,200 calls per month with a toll-free line available for residents of the province living outside of Winnipeg.

In 1987, a total of 2,236 program clients were served by the program and requiring follow-up with nearly 60% of the victims/witnesses requesting information on court appearances and being unavailable for court dates. In addition, there were 1,897 cases where witnesses had to be contacted regarding court re-scheduling for that same year.

### Child Abuse Witness Program

The program provides support, counselling, information on the court process and court support to young victims of sexual/physical abuse. The program first began in 1984 in the Winnipeg Police Department. Funding was taken over by the provincial government in April, 1987 following a program review by the Attorney General's Department that underlined the importance of and the need for the services being provided.

Information available for the last quarter of 1987/88 showed an average of 17 new referrals to the program per month. The great majority of referrals were young females (86%). Nearly 60% of the referrals involved interfamilial abuse.

## Videotaping Project on Child Sexual Abuse

The joint federal/provincial project has resulted in the development of working protocols for child sexual abuse and the production of just over 200 videotaped interviews with child sexual abuse victims, facilitating a multidisciplinary response to the offence.

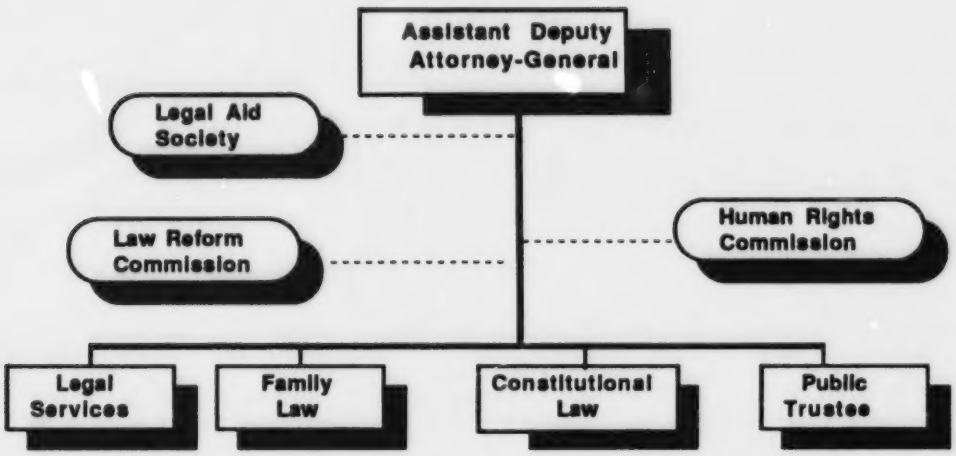
The project has been extended to concentrate on the areas of developing training resources, actual training of professionals province-wide and coordination/monitoring of the newly proclaimed *Criminal Code* provisions. Among the *Criminal Code* amendments is a provision for the use of videotaped interviews in the prosecution of child sexual abuse cases.

## Victim Impact Statement Project

Manitoba was one of five Canadian jurisdictions to pioneer the use of victim impact statement in court. The federal/provincial demonstration project completed its initial two year phase with more than 360 victim impact statements prepared in the three City of Winnipeg Police district pilot areas.

An evaluation just completed by the federal Department of Justice outlined the strengths of the program in allowing for victim participation in the criminal justice system. The use of victim impact statements has also been strengthened by amendments to the Canadian *Criminal Code* acknowledging and facilitating the use of the statements in criminal proceedings.

# JUSTICE DIVISION




The Justice Division is responsible for legal services in non-criminal matters. It provides a full range of legal services to the Government of Manitoba and its departments and agencies, including the provision of legal advice and conducting litigation on behalf of the Government.

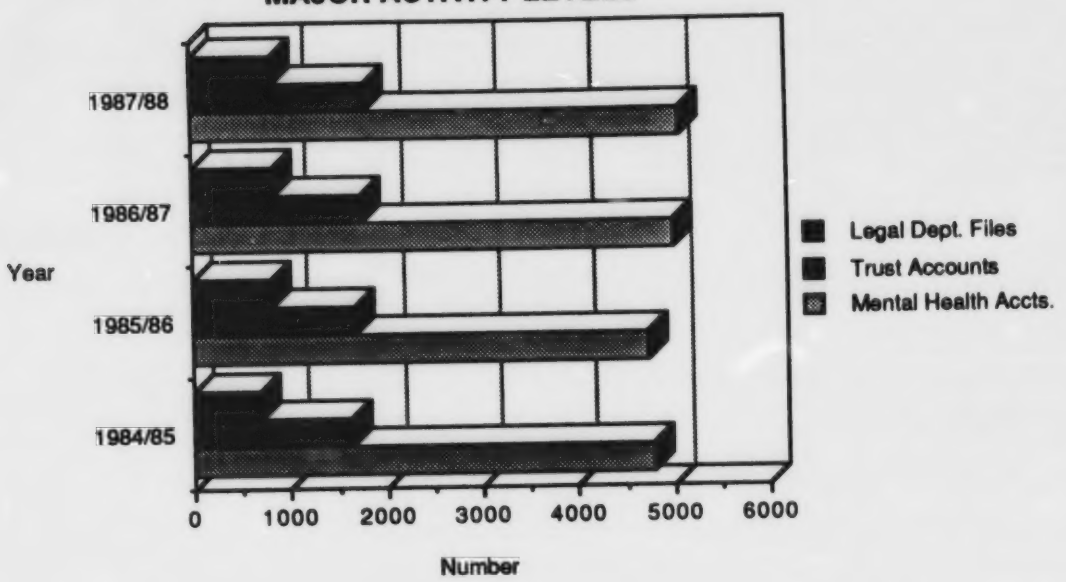
The Division is comprised of four branches (Legal Services; Family Law; Constitutional Law; Public Trustee) and three agencies (Legal Aid Services Society of Manitoba; Law Reform Commission; Manitoba Human Rights Commission).

## THE PUBLIC TRUSTEE OF MANITOBA

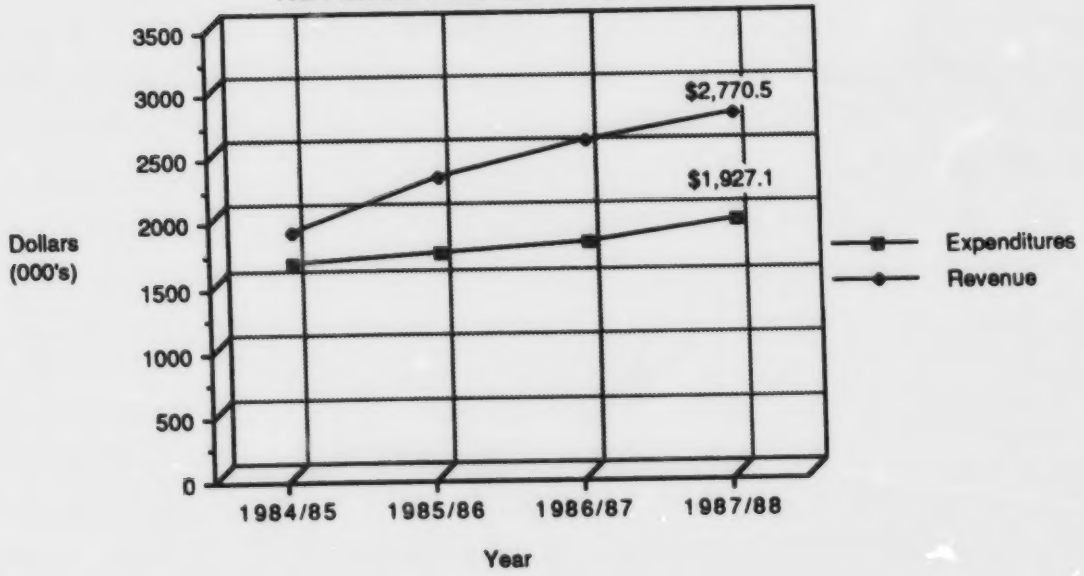
Originally established in 1973, the Public Trustee of Manitoba operates under *The Public Trustee Act.* The Office consists of the following areas: Mental Health, Deceased Estates, Trust, Legal, Accounting and Administration. In addition to a staff which includes lawyers, accountants, and inspectors, each division has a director who reports to the Public Trustee.

The Public Trustee acts to preserve and protect the estates and interests of those persons who are incapable of managing their own property. Persons who have no one to represent them in the management of their affairs, persons who have died leaving no traceable heirs, minors who have had the Public Trustee appointed as their legal guardian, and mentally disordered persons can have their affairs administered by the Office of the Public Trustee.

## THE PUBLIC TRUSTEE OF MANITOBA
## MAJOR ACTIVITY LEVELS




## THE PUBLIC TRUSTEE OF MANITOBA
## REVENUE AND EXPENDITURES



| Activity Area | Number | | | | % Change | | |
|---|---|---|---|---|---|---|---|
| | 1984/85 | 1985/86 | 1986/87 | 1987/88 | 1985/86 | 1986/87 | 1987/88 |
| Mental Health Accts. | 4,784 | 4,738 | 5,013 | 5,091 | - 1.0 | + 5.8 | +1.5 |
| Trust Accts. | 1,632 | 1,692 | 1,757 | 1,817 | + 3.7 | + 3.8 | +3.4 |
| Legal Dept. Files | 686 | 806 | 837 | 855 | + 17.5 | + 3.8 | +2.2 |
| Revenue ($ 000's) | 1,853.4 | 2,291.5 | 2,566.9 | 2,770.5 | + 23.6 | +12.0 | +8.0 |
| Expenditures ($ 000's) | 1,623.4 | 1,691.3 | 1,773.3 | 1,927.1 | + 5.9 | + 4.8 | +8.7 |
| Dollars Under Administration ($000's) | | | | | | | |
| Trust Division | 20,971.7 | 24,056.0 | 25,385.5 | 27,713.3 | + 14.7 | + 5.5 | +9.2 |
| Mental Health Div. | 50,229.0 | 54,464.0 | 57,815.8 | 64,451.1 | +8.4 | + 6.2 | +11.5 |

Activity in mental health accounts did not experience large variations over the last three years, with a modest increase of 1.5% seen in 1987/88. Similarly, trust accounts saw increases in the range of 3.4 to 3.8% over the three years. The proportion of infant trusts continued to increase in the most recent year, making up 58% of trust accounts in 1987/88. Legal department files increased by 2.2% for the same year.

Revenue and expenditures both experienced at least an 8% increase in 1987/88. The dollars under administration in both the trust (+9.2%) and mental health (+11.5%) divisions continued to grow considerably in the most recent year. Most dollars under administration over the four years examined were in the mental health division , constituting 70% in 1987/88.

## LEGAL AID MANITOBA

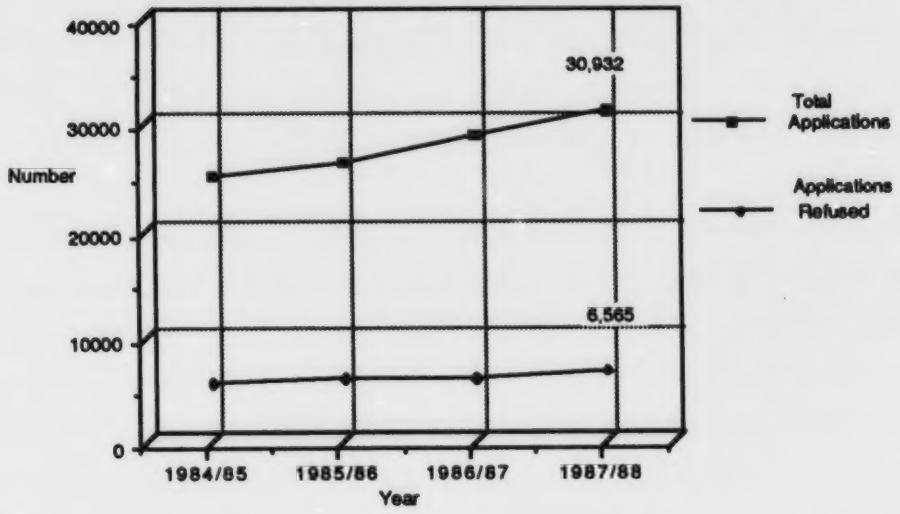
Legal Aid provides legal services to individuals, groups, and organizations who could not otherwise afford the services of a lawyer. It provides representation in all serious criminal and most civil matters. It also has an outreach program which includes working with senior citizens, youth, low income groups, and other organizations.

Legal Aid services are categorized as either mandatory (public policy matters) or discretionary (organizational policy matters). The major distinction between mandatory and discretionary services is that the former shall be provided, while the latter may be provided subject to the discretion of the area director or the executive director; if financial eligibility guidelines are met for each of the services.
In general, mandatory services cover indictable offences. Discretionary services, on the other hand, are determined by the plan and the Province and range from summary conviction or by-law infraction proceedings (where prison, loss of the means of earning a livelihood are likely, or other special circumstances exist) to public interest cases affecting members of a group that is seeking a legal remedy to an issue.

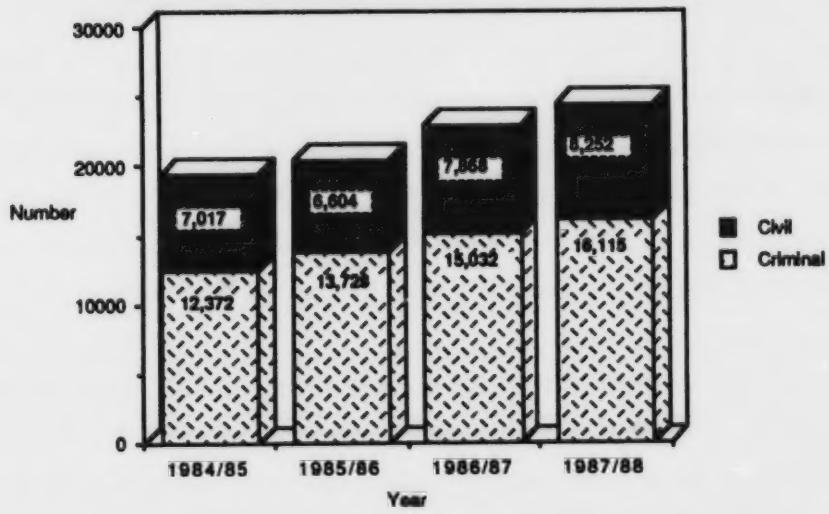
Financial eligibility is established after an assessment of the following factors in order of importance: gross family income (social assistance applicants are automatically eligible); assets; debts; and probable cost of legal fees. The financial eligibility guidelines based on gross income were increased in 1988. Group eligibility criteria are less clearly defined and usually involve a case-by-case assessment.

The Legal Aid staff of 91, including 30 full-time lawyers, operate from 10 offices throughout Manitoba. There are five offices in Winnipeg, including an office at the University of Manitoba, an advice office in Selkirk, and community law centres in Brandon, Dauphin, The Pas, and Thompson. A Board of Directors sets policy and hears appeals of those who have been turned down in their requests for legal assistance. Legal Aid also maintains a panel of approximately 800 private lawyers who take on legal cases.

**Legal Aid: Total Applications For Certificates**




**Legal Aid: Criminal and Civil Certificates Issued**



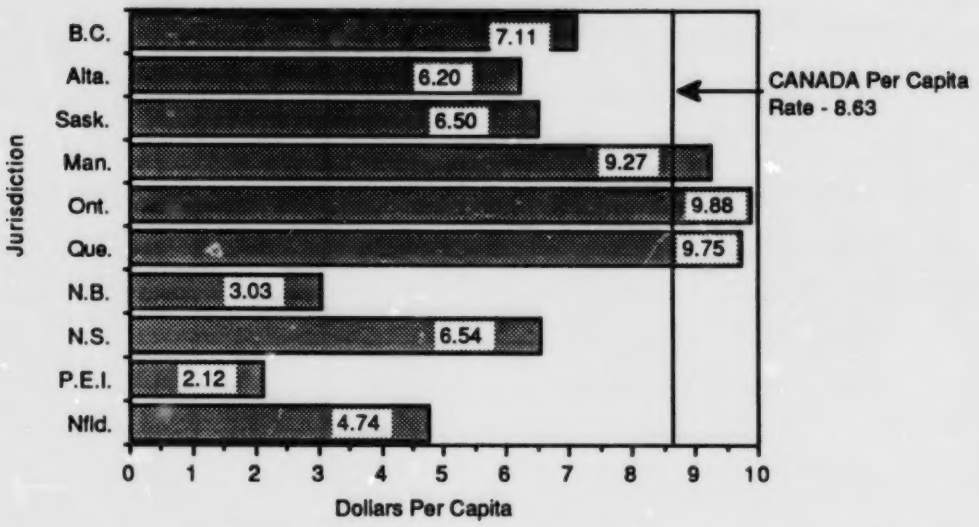
| INDICATOR AREA | Number | | | | % Change | | |
|---|---|---|---|---|---|---|---|
| | 1984/85 | 1985/86 | 1986/87 | 1987/88 | 1985/86 | 1986/87 | 1987/88 |
| Applications for Certificates | 24,820 | 26,178 | 28,782 | 30,932 | + 5.5 | +9.9 | +7.5 |
| Applications Refused | 5,431 | 5,846 | 5,882 | 6,565 | +7.6 | +0.6 | +11.6 |
| Total Certificates Issued | 19,389 | 20,332 | 22,900 | 24,367 | +4.9 | +12.6 | +6.4 |
| Criminal | 12,372 | 13,728 | 15,032 | 16,115 | +11.0 | +9.5 | +7.2 |
| Civil | 7,017 | 6,604 | 7,868 | 8,252 | -5.9 | +19.1 | +4.9 |
| Total Expenditures (000's $) | 8,275.2 | 8,521.3 | 9,898.9 | 10,523.9 | +3.0 | +16.2 | +6.3 |

Legal Aid Manitoba continued to experience growth in the applications for certificates and the certificates issued, with average increases of 7.6% and 7.9% respectively over the past three years examined. The applications refused increased by almost 12% in 1987/88 (6,565) after having seen virtually no change in the previous year.

Approximately 79% of the applications resulted in the issuing of certificates, of which 66% were criminal and 34% civil. Of the criminal certificates, 71% were for adults and 29% for youth.

Apart from the 24,000 plus individual formal legal representations provided through Legal Aid, a substantial number of others received services. Duty counsel was provided for just over 28,000 persons, while roughly 17,200 others received information and advice. Among the certificates issued, the private bar handled 70% while Legal Aid staff took care of the remaining 30%, consistent with previous years.

## LEGAL AID PER CAPITA EXPENDITURES FOR CANADA AND THE PROVINCES - 1986/87




* The per capita rates for the Northwest Territories and the Yukon were $29.42 and $37.88, respectively.

The national per capita expenditure for legal aid services increased to $8.63 ($219.6 million) in 1986/87 compared to $7.78 ($196.3 million) in 1985/86. The lowest per capita expenditures in 1986/87 were in the Atlantic provinces followed by those provinces west of Manitoba, with expenditures there well below the national per capita expenditures. Per capita expenditures ranged from $2.12 in P.E.I. to $7.11 in B.C.

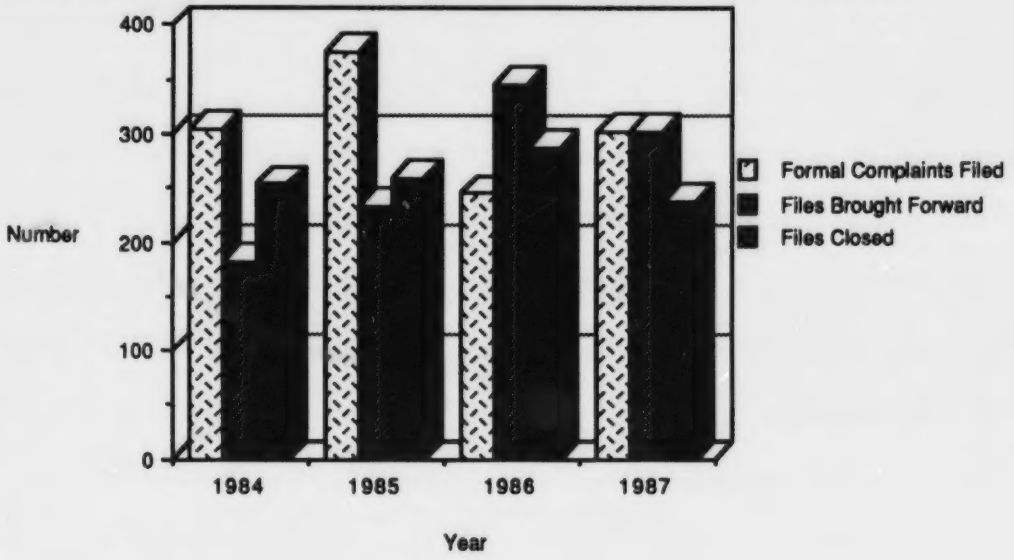
Alternately, in 1986/87 the highest per capita costs were borne by Ontario ($9.88), Quebec ($9.75) and Manitoba ($9.27). Quebec's costs decreased slightly from the previous year while Manitoba and Ontario both experienced increases in per capita expenditures over the same period (+$1.27 and +$1.60, respectively).

## HUMAN RIGHTS COMMISSION

The Commission administers the Human Rights Code, which prohibits discrimination in employment, housing, public services and contracts. It receives, investigates and attempts to resolve complaints of unlawful discrimination, failing which it may refer complaints to adjudication. The Commission develops and conducts educational programs designed to eliminate discriminatory practices. It also issues advisory opinions with respect to practices which would contravene the Code if not for exceptions for special programs, bona fide requirements and others. It works to promote understanding of the civil and legal rights of Manitobans and further the principle of equal opportunity in the exercise of those rights.

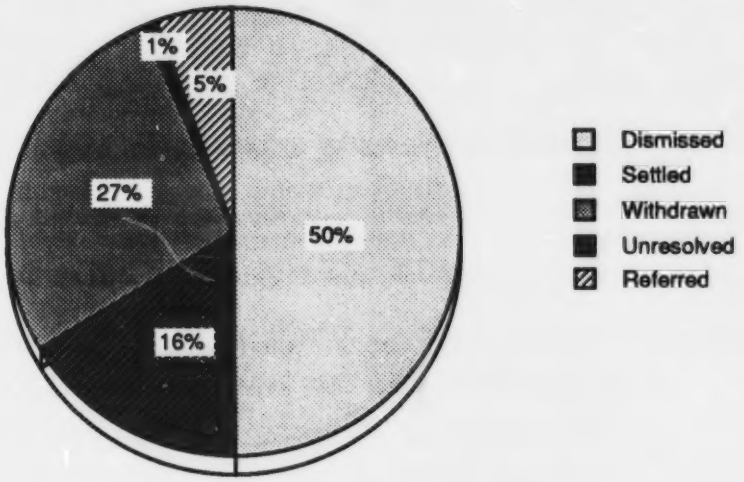
A Board of 13 Commissioners, appointed for three year terms, meets monthly to discuss policy, activities and the disposition of cases. A staff of 24 located in Winnipeg, The Pas and Brandon receive an average of approximately 5,000 intake contacts per year. Of these, an average of 300 are investigated as formal complaints. Less than 5% of the cases per year are referred to a public hearing by a Board of Adjudication. The majority of cases are dismissed or resolved through voluntary conciliation.

## MANITOBA HUMAN RIGHTS COMMISSION: MAJOR ACTIVITY AREAS




## MANITOBA HUMAN RIGHTS COMMISSION

## DISPOSITION OF FORMAL COMPLAINTS 1987 (N=238)



| Indicator Area | Number | | | | % Change | | |
|---|---|---|---|---|---|---|---|
| | 1984 | 1985 | 1986 | 1987 | 1985 | 1986 | 1987 |
| Initial Contacts | 5261 | 5395 | 4346 | 4369 | + 2.5 | - 19.4 | 0.5 |
| Formal Complaints Filed | 304 | 374 | 245 | 302 | +23.0 | - 34.5 | +23.3 |
| Files Brought Forward | 181 | 232 | 345 | 302 | +28.2 | +48.7 | -12.5 |
| TOTAL | 485 | 606 | 580 | 604 | +24.9 | - 4.3 | +4.1 |
| Files Closed | 253 | 261 | 288 | 238 | + 3.2 | +10.3 | -17.4 |
| Year-End Caseload | 232 | 345 | 302 | 366 | +48.7 | -12.5 | +21.2 |

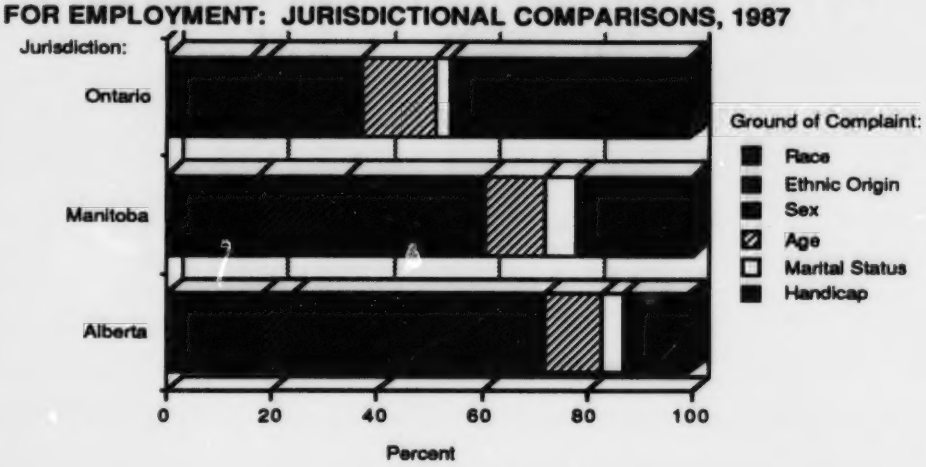
Intake contacts made to the Human Rights Commission remained relatively stable for 1986 and 1987 with an average of 4357 contacts for each year. A considerable increase in formal complaints filed was seen in 1987 at almost 25% over the previous year. The overall caseload was kept down as the files brought forward in 1987 decreased by just over 12% compared with 1986's increase of nearly 50%. The files closed in 1987 experienced a 17.4% decrease, which the Commission attributed to staff vacancies and absence due to illness. The larger number of formal complaints filed, along with the decrease in files closed for 1987, resulted in an increase in the year end caseload (+21.2%).

1987 educational activities included 224 speaking engagements, up 7.2% from 1986. Priorities involved the promotion of human rights education in Manitoba schools and preventive human rights education for the business community. In addition, applications for approval of "Special Program" (Section 9) were received concerning affirmative action plans and other programs to promote equality in the status of disadvantaged persons (i.e. disabled, aboriginal peoples, visible minorities, women and youth). There were 34 applications under Section 9 of *The Human Rights Act*, down from 40 in 1986.

Fifty per cent of formal complaints in 1987 were dismissed compared with 60% in 1986. Sixteen per cent were settled as the result of a voluntary agreement between the parties, while 27% of the complaints were withdrawn by the complainant before

consideration by the Commission. Finally, 5% of the complaints were referred to adjudication or prosecution and 1% were closed as unresolved.

**MAJOR HUMAN RIGHTS VIOLATIONS REPORTED FOR EMPLOYMENT: JURISDICTIONAL COMPARISONS, 1987**




A comparison of the grounds for complaint relating to employment for three provinces in Canada in 1987 illustrated considerable differences in the areas of frequency of complaint. Nearly half (45%) of Ontario complaints, for example, related to handicap (45%) while Manitoba and Alberta had much lower proporitons (22% and 12% respectively). Other high proportions of complaint in Ontario were sex (18%), race (16%) and age (14%). The largest proportion of Manitoba's complaints concerned sex (28%); followed by handicap (22%), race (17%) and ethnic background (17%). Alberta, on the other hand, had a large number of complaints based on sex (48%). The categories following in frequency were considerably smaller in proportion: rate (18%); handicap (12%) and age (11%).

## LEGAL SERVICES

The Legal Services Branch functions as the law firm to the government. It provides legal advice to all governmental departments, boards and commissions, except those that retain their own counsel. Matters concerning Family Law and Constitutional Law are handled by separate branches, with the cooperation of Legal Services in areas which overlap.

The legal services provided by the 21 lawyers in the branch include conducting litigation, providing legal advice and opinions, and preparing contracts and other documents. Outside counsel is retained in situations where a conflict of interest would otherwise arise, or where the expertise required is so specialized in nature that it is not economically efficient to develop it within the branch.

Information on several general activity areas was available for 1987. There were 2,185 new files opened. In addition, there were 101 civil actions, 21 appeals to the Court of Appeal and five Federal Court actions.

## CONSTITUTIONAL LAW

The Constitutional Law unit was set up in August 1985, partly in response to the Supreme Court decision on language rights under the Constitution. Staff consists of a Director, a Research Director, and three lawyers. The unit is responsible for matters relating to constitutional law in both civil and criminal cases. It handles cases and appeals dealing with all matters of constitutional law.

The Branch conducts constitutional litigation and on request provides opinions on constitutional matters to Legal Services lawyers. Constitutional Law is responsible for constitutional reform and aboriginal rights as they relate to the obligations laid out in the *Charter of Rights.*

## FAMILY LAW BRANCH

Family Law, formerly part of Civil Litigation, began functioning as a separate branch in June, 1985. The branch develops, implements, and promotes family law policy, programs and procedures affecting family law. It works with the Family Division of the Court of Queen's Bench, and with other Government Departments, particularly Community Services in its Family Conciliation program. Areas of responsibility include all legislation relating to family law, such as marital property, child welfare, and family maintenance; litigation in maintenance enforcement and child protection; and assistance in the laying of charges in child abduction. In addition to the Director, there are three lawyers and three support staff in the branch.

The branch is also involved with family law at the Federal/Provincial level. For example, it participated in the formulation of the new *Divorce Act 1985 (Canada),* and the new *Family Orders and Agreements Enforcement Assistance Act (Canada).* The Director of the branch is the Chairperson of a Federal/Provincial Committee to develop a network for locating and returning children who have been abducted by a non -custodial parent.

## LAW REFORM COMMISSION

The Law Reform Commission inquires into, and considers any matter relating to, law in Manitoba with a view to making recommendations for improvement, modernization and uniformity. It ensures that the administration of justice is improved through the removal of outdated and inconsistent laws, and the development of new approaches and new concepts responsible to the changing needs of society. It institutes and directs research, including studies and research relating to the laws and legal systems and institutions of other jurisdictions in Canada, with a view to making recommendations to the Attorney General for the general reform and improvement of law in Manitoba.

Five Commissioners, including a chairperson, provide direction to the permanent staff of a Director of Legal Research, two full-time and two half-time Legal Research Officers, and an Administrative Officer.

Between the publication of the last Key Indicator and March 31, 1988, the Commission published 3 formal reports and submitted one informal report on the following topics: Some aspects of *The Wills Act;* Periodic Payment of Damages for Personal Injury and Death; Judicial Review of Administrative Action; and *The Wages Recovery Act.*

In December 1987, the Government of the day announced its intention to disband the Commission; the present Government reversed this decision and restored the Commission to its former status. The Commission once again has a very full agenda. Among the areas under review are *The Bulk Sales Act,* the Commission's own *Act,* the statute governing the Provincial Court, and the possibility of giving legal effect to living wills.

# PROPERTY RIGHTS DIVISION

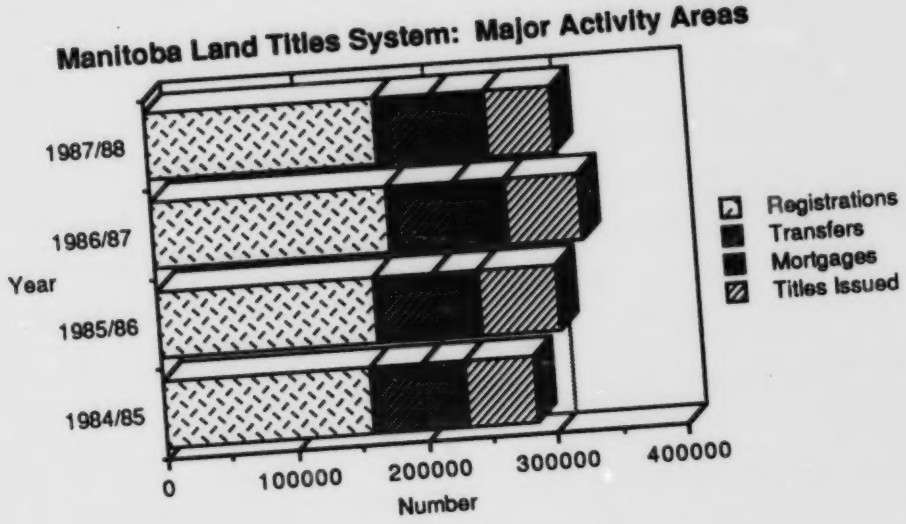
## MANITOBA LAND TITLES SYSTEM

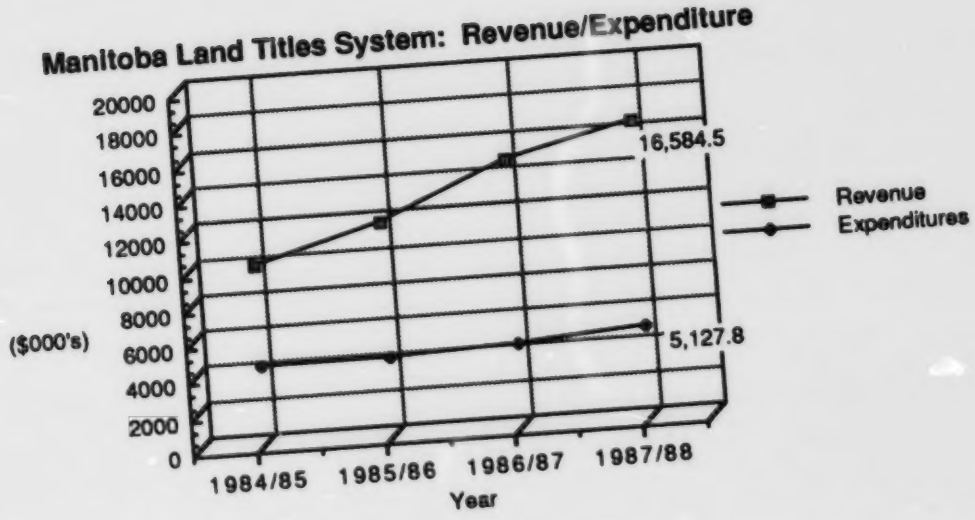
The Registrar-General's office is located in Winnipeg. The incumbent is the senior official and senior lawyer of the Manitoba Land Titles System and deals with all amending legislation and regulations to *The Real Property Act* and related *Acts*, makes and enforces all rules of practice, and exercises general supervision over all district land titles offices. The district land titles offices are located in Winnipeg, Portage la Prairie, Brandon, Morden, Neepawa, and Dauphin.

The Surveys section, which performs plan registrations and surveys for subdivisions, condominiums and rights of way, is located in Winnipeg. This section is headed by the Examiner of Surveys, who also has a deputy examiner of surveys. Both of these officers are Manitoba land surveyors.

The Land Titles Office registers transfers of title when any piece of real property changes hands. Information on encumbrances on real property, such as mortgages, liens, caveats, or other restrictions, are also registered here.

Automation of the General Registry in Winnipeg was completed in April 1985. The computerization of all new titles issued and documents registered in the Winnipeg District became effective March 14, 1988. The entire land titles system is scheduled to be computerized by 1991. When computerization is complete, all offices in the province will be fully automated, with access available to a central listing of every registration in the province. Registration of titles will continue to be done in each Land Titles office.


Manitoba Land Titles System: Major Activity Areas
1987/88
1986/87
1985/86
1984/85
Year
0
100000
200000
300000
400000
Number
Registrations
Transfers
Mortgages
Titles Issued


Manitoba Land Titles System: Revenue/Expenditure
20000
18000
16000
14000
12000
10000
8000
6000
4000
2000
0
($000's)
16,584.5
5,127.8
1984/85
1985/86
1986/87
1987/88
Year
Revenue
Expenditures

| Activity Area | Number | | | | % Change | | |
|---|---|---|---|---|---|---|---|
| | 1984/85 | 1985/86 | 1986/87 | 1987/88 | 1985/86 | 1986/87 | 1987/88 |
| Registrations | 158,249 | 165,795 | 180,016 | 175,282 | + 4.8 | + 8.6 | -2.6 |
| Transfers | 40,996 | 45,627 | 51,352 | 44,191 | + 11.3 | + 12.5 | -13.9 |
| Mortgages | 33,561 | 35,512 | 41,075 | 40,912 | + 5.8 | + 15.7 | -0.4 |
| Titles | 51,465 | 59,666 | 57,142 | 51,407 | + 15.9 | - 4.2 | -10.0 |
| Revenue ($ 000's) | 9,902.8 | 11,901.0 | 14,905.4 | 16,584.5 | + 20.2 | + 25.2 | +11.3 |
| Expenditures ($ 000's) | 4,284.9 | 4,366.6 | 4,623.1 | 5,127.8 | + 1.9 | + 5.9 | +10.9 |

Registrations handled by the Land Titles Office had a modest decrease for 1987/88. Transfers experienced just under a 14% decrease while mortgages remained relatively stable for the most recent year. The titles issued saw a 10% decrease in 1987/88, having seen a modest decrease of 4.2% for the previous year 1986/87.

Expenditures and, in particular, revenue, continued with steady growth over the four years examined. Each area experienced an increase in excess of 10% for 1987/88.

## PERSONAL PROPERTY REGISTRY IN MANITOBA

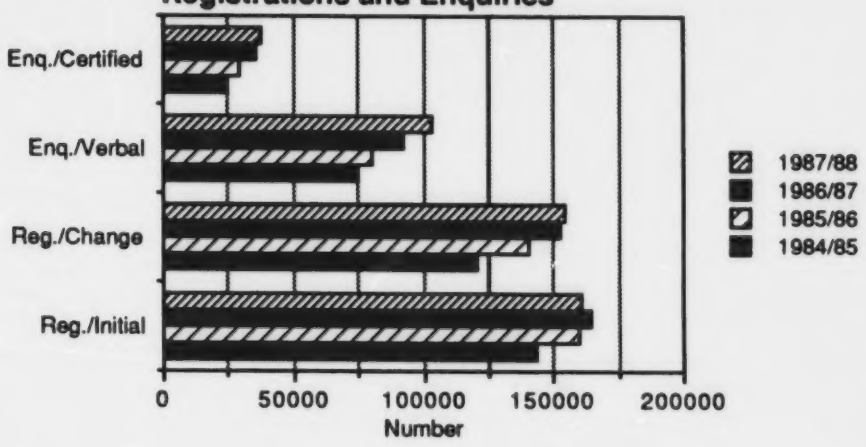
A Registrar and 19 clerks staff this branch, providing a central registry for the recording of interests in property other than real property. Virtually any item can be registered as long as there is a financial obligation attached, with cars being the most common item. The recording of property makes it possible for a person planning to buy an item to check first with the Registry to ensure there are no outstanding registered liens or other restrictions against it before making the purchase.

The Registry handles approximately 325,000 registration transactions a year on its fully automated system. A minimal fee is charged for each registration, which is valid for three years. All records are current within two business days after the registration is received.

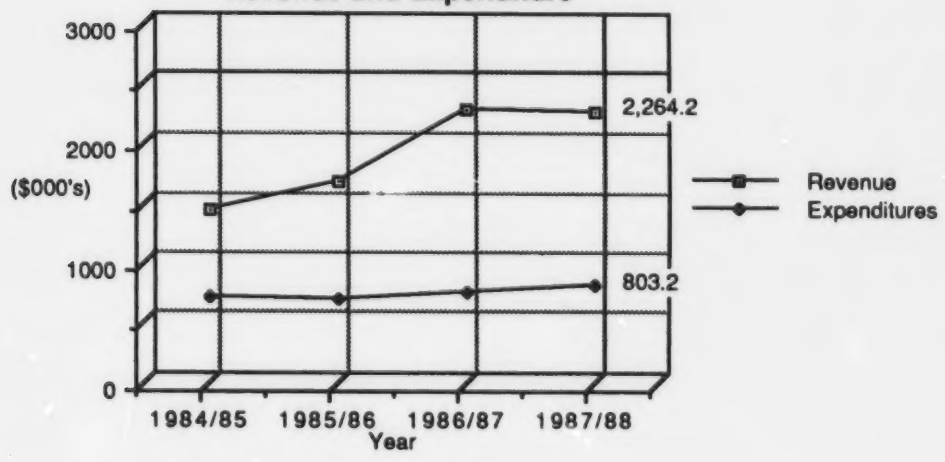
In addition, 125,000 lien checks and searches are performed each year. A special payment set-up is available for heavy users, such as banks, credit unions, and law firms. Four telephone operators staff the phone all day to answer enquiries. The fees for the enquiries are taken from a special payment-in-advance fund set up by the institution with the Registry.

The Registry is currently looking at submissions and recommendations for amending The Personal Property Security Act. One of the proposed amendments is to offer a variable term of registration, as opposed to the currently automatic three-year duration.

**Personal Property Registry in Manitoba:**
**Registrations and Enquiries**



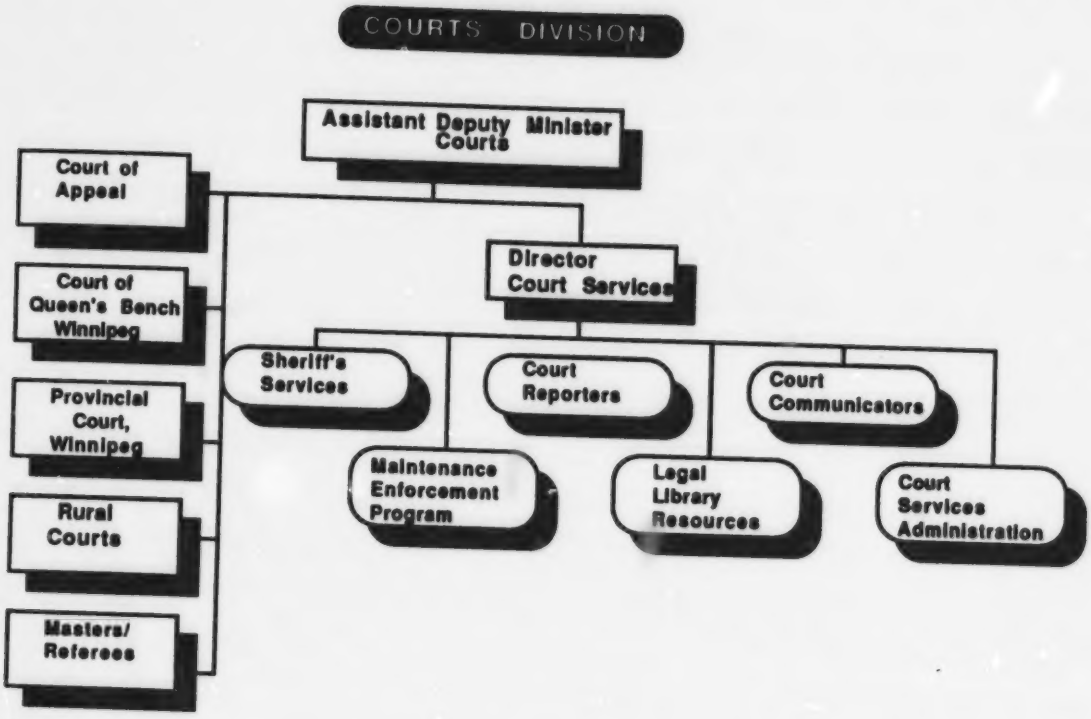

**Personal Property Registry in Manitoba:**
**Revenue and Expenditure**



| Indicator Area | Number | | | | % Change | | |
|---|---|---|---|---|---|---|---|
| | 1984/85 | 1985/86 | 1986/87 | 1987/88 | 1985/86 | 1986/87 | 1987/88 |
| **Registrations** | 264,494 | 300,812 | 316,661 | 314,610 | + 13.7 | + 5.3 | -0.6 |
| Initial | 143,522 | 159,917 | 164,067 | 160,488 | | | |
| Change | 120,972 | 140,895 | 152,594 | 154,122 | | | |
| **Enquiries (Total)** | 99,486 | 109,396 | 127,018 | 140,173 | + 10.0 | +16.1 | +10.4 |
| Verbal | 75,036 | 80,065 | 91,787 | 102,975 | | | |
| Certified | 24,450 | 29,331 | 35,231 | 37,198 | | | |
| Revenue ($ 000's) | 1.421.9 | 1,671.3 | 2,282.0 | 2,264.2 | +17.5 | +36.5 | -0.8 |
| Expenditures ($ 000's) | 708.6 | 679.7 | 741.6 | 803.2 | - 4.1 | + 9.1 | +8.3 |

Registrations for the Personal Property Registry stayed essentially the same for 1986/87 and 1987/88 with a slight decrease in initial registration and a corresponding increase in changed registrations balancing each other off for the most recent year. The area of enquiries rose by just over 10% and was mainly attributable to a 12% increase in the larger area of verbal registration as opposed to certified registration (+6%).

Revenue remained relatively static for 1987/88 after undergoing a substantial increase of nearly 37% in the previous year. In 1987/88, expenditures had a modest increase of 8.3%, just under the 9.1% increase experienced in 1986/87.




The Courts Division is responsible for the administration and operation of all courts in the Province, as well as essential services to support them.

During 1985/86, the Courts Division was reorganized into three distinct programs: Court of Queen's Bench, Winnipeg; Provincial Court, Winnipeg; and the Rural Courts. The Rural Courts program is responsible for the courts outside the City of Winnipeg, including Court of Queen's Bench, Provincial Court, and the management of the magistrate and justice of the peace program.

## COURT OF APPEAL

The Court of Appeal is the highest court in the province, and deals in the main with cases heard in the first instance by the lower courts, and by boards or commissions. As well, the Lieutenant-Governor-in-Council may refer to the Court for hearing or considering any matter which it thinks fit to refer (normally important and significant issues of special nature or character).

The Court of Appeal sits in Winnipeg, The Court consists of the Chief Justice of Manitoba and six other Judges of Appeal. Cases are usually heard by a panel of three judges. Where a case involves an important and significant issue the case may be heard by a panel of five judges. The Court office, judges' chambers and courtrooms are located in the Law Courts, Broadway and Kennedy, Winnipeg.

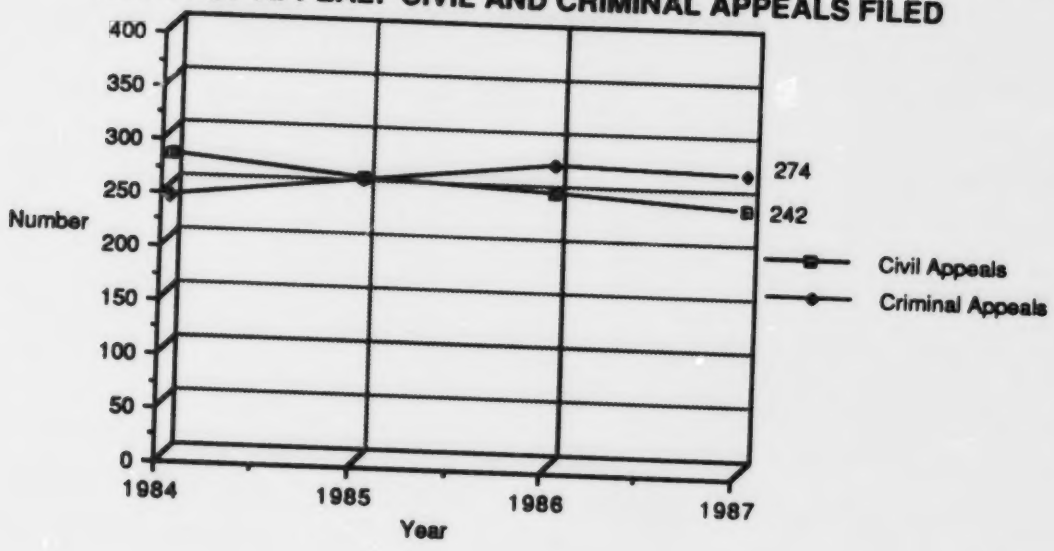
Appeals in criminal cases may be made by either the Attorney General (or counsel instructed by him) or the accused against the verdict reached by a lower court. Appeals may be made against conviction, against sentence or both.

In summary conviction matters (heard in the first instance in the Provincial Court) an appeal may be made to the Court of Queen's Bench, and a further appeal to the Court of Appeal may be taken with leave of that Court on a question of law alone.

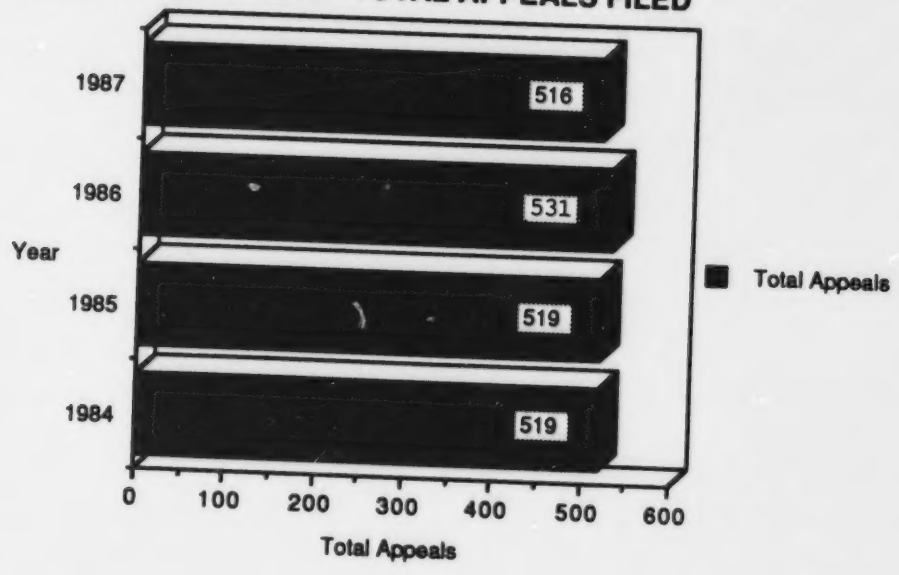
An appeal in a proceeding, in respect of any indictable offence (whether heard in the first instance in the Provincial Court or in the Court of Queen's Bench,) may be taken in the Court of Appeal.

A party dissatisfied with the decisions in a civil case heard by a lower court, board or commission may appeal to the Court of Appeal in most cases. In some instances an appeal may be taken only with leave of the Court of Appeal.

## COURT OF APPEAL: CIVIL AND CRIMINAL APPEALS FILED




## COURT OF APPEAL: TOTAL APPEALS FILED



| | Number | | | | % Change | | |
|---|---|---|---|---|---|---|---|
| **Activity Area** | **1984** | **1985** | **1986** | **1987** | **1985** | **1986** | **1987** |
| **Total Appeals** | 519 | 519 | 531 | 516 | - | + 2.3 | - 2.8 |
| Civil Appeals | 279 | 261 | 252 | 242 | -6.4 | - 3.4 | - 4.0 |
| Criminal Appeals | 240 | 258 | 279 | 274 | +7.0 | + 8.1 | - 1.8 |

Total appeals launched in 1987 experienced a slight decrease, with the last four years having similar minor variations. Civil appeals filed continued to decline over the four year period from 54% in 1984 to 47% in 1987 of the total appeals. On the other hand, criminal appeals increased annually from 1984 to 1986 and experienced a slight decrease in 1987, bringing criminal appeals to 53% of the total appeals launched for the most recent year.

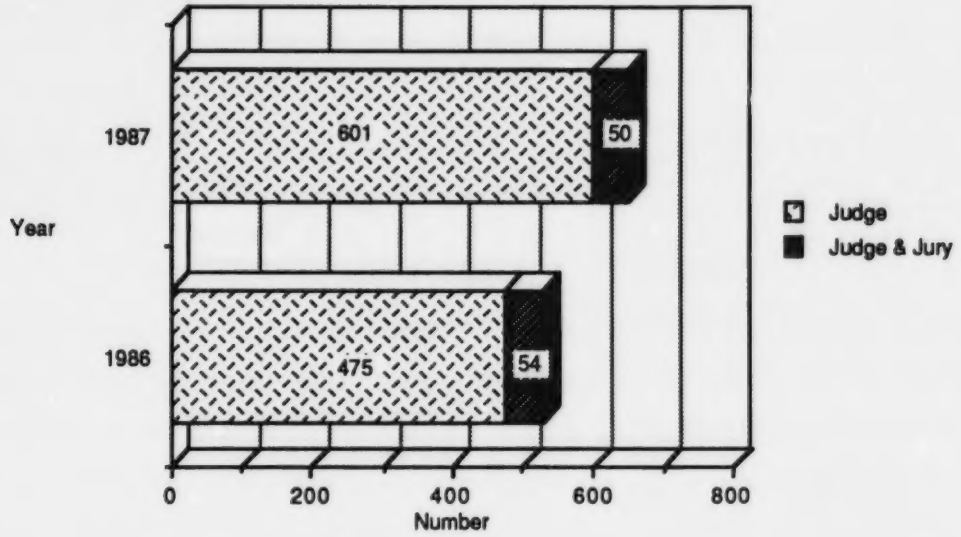
The total number of appeals launched versus the number actually heard indicated that 79% of the appeals filed in 1987 were eventually heard by the Court of Appeal. Criminal appeals resulted in 89% heard in the Court of Appeal while civil appeals had 66% heard.

## COURT OF QUEEN'S BENCH:

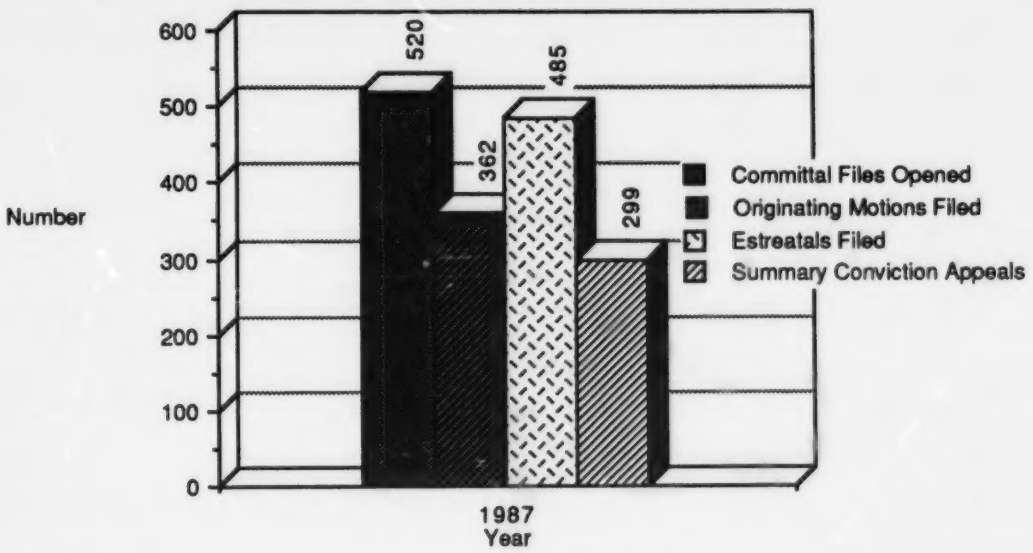
## CRIMINAL

The Criminal area of Court of Queen's Bench has exclusive jurisdiction to hear indictable offences by judge and jury or judge alone. It has appellate jurisdiction for summary conviction offences. The Court also deals with bail reviews and estreatal applications.

## COURT OF QUEEN'S BENCH - CRIMINAL DIVISION
## CRIMINAL TRIALS SET DOWN (Wpg. Centre)




## COURT OF QUEEN'S BENCH - CRIMINAL DIVISION
## TOTAL PROCEEDINGS COMMENCED (Wpg. Centre)



| Winnipeg Centre | Number | | % Change |
|---|---|---|---|
| | 1986 | 1987 | 1987 |
| Total Trials Set Down | 529 | 651 | +23.0 |
| - Trials Before Judge | 475 | 601 | +26.5 |
| - Trials Before Judge and Jury | 54 | 50 | -7.4 |
| Total Proceedings Commenced | 1698 | 1666 | -1.9 |
| - Committal Files Opened | 476 | 520 | 9.2 |
| - Originating Motions Filed | 412 | 362 | -12.1 |
| - Estreatals Filed | 501 | 485 | -3.2 |
| - Summary Conviction Appeals | 309 | 299 | -3.2 |

The trials set down for Court of Queen's Bench, Criminal (Winnipeg Centre) rose overall for 1987, resulting from an increase of approximately 25% in the trials set before a judge. Most of the trials scheduled for Criminal, Court of Queen's Bench were those before a judge at 92%. The proportionately smaller number of trials set before judge and jury, comprising 8% of total Queen's Bench Criminal trials, saw a decrease in the area of 7%.

An examination of the total proceedings commenced revealed a slight decrease from 1986 to 1987 (-1.9%). Within the total proceedings category, originating motions experienced the largest decease (-12.1%), followed by more modest decreases seen in the areas of estreatals filed and summary conviction appeals (-3.2%, each). The final sub-category of committal files opened was the only one to exhibit an increase (+9.2%) from 1986 to 1987.

Information from Rural Courts in 1987 revealed the following information. There were 16 originating notice of motions, 66 summary conviction appeals and 85 estreatal proceedings.

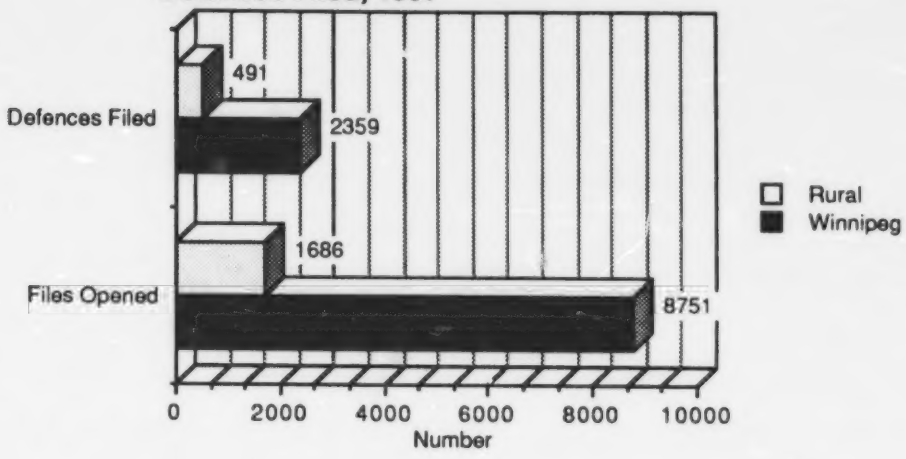
## COURT OF QUEEN'S BENCH:
## CIVIL

The Civil area of Court of Queen's Bench has jurisdiction over civil cases, apart from those handled in the Family, Small Claims and Probate areas, and is the appellate division for small claims matters. A wide range of matters are dealt with by the civil area, including the following major areas: civil suits relating to contracts, tort claims, enforcement of debts, claims against persons, and landlord and tenant disputes.

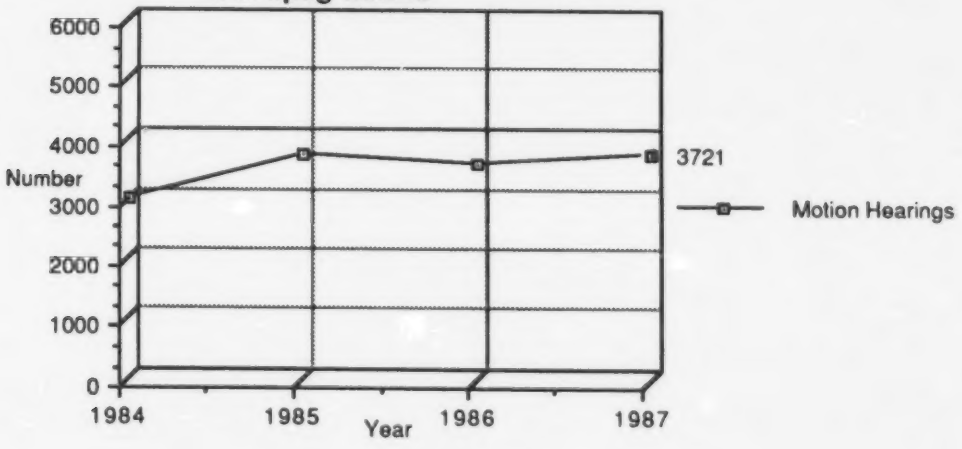
Actions are commenced by statements of claim or originating notices of motion. Court procedures include interlocutory proceedings, interim motions, references, pre-trial conferences and trials.

The Court of Queen's Bench, Winnipeg Centre computerized the entire registry system on May 1, 1988.

**Court of Queen's Bench: Civil Files Opened**
**Defences Filed, 1987**




**Court of Queen's Bench: Motion Hearings**
**Winnipeg Centre**



| Indicator Area | Number | | | | % Change | |
|---|---|---|---|---|---|---|
| | 1984 | 1985 | 1986 | 1987[3] | 1986 | 1987 |
| **Files Opened** | | | | | | |
| Winnipeg Centre | 7118 | 7251 | 7450 | 8751 | +2.7 | +17.5 |
| Rural[1] | 2272 | 1969 | 2323 | 1686 | +18.0 | - |
| **Defences Filed** | | | | | | |
| Winnipeg Centre | 2151 | 2265 | 2232 | 2359 | -1.4 | +5.7 |
| Rural[1] | 712 | 563 | 567 | 491 | +0.7 | - |
| **Motion Hearings[2]** | | | | | | |
| Winnipeg Centre | 2996 | 3730 | 3585 | 3721 | -3.9 | +3.8 |
| Rural[1] | 1109 | 843 | 811 | 516 | -3.8 | - |

1 Includes all courts, apart from Q.B., Winnipeg Centre, where Queen's Bench matters are heard. There are 15 rural court locations where Q.B. matters can be filed.

2 Motion hearings refer to a scheduled court appearance, which is not a trial, to deal with applications relating to civil matters. Included are originating notices of motion and interim motions and there may be more than one hearing involved for each motion.

3 Recording methods for the Rural Courts were streamlined for the 1987 year and do not allow for comparison with previous years.

In 1987 the files opened in Winnipeg Centre increased considerably at just over 17%. Rural courts accounted for 16% of the total files opened with Winnipeg Centre generating the remaining bulk of the file activity. The defences filed and motion hearings for Winnipeg Centre also rose modestly in the most recent year after having decreased slightly in 1986. Of the total civil defences filed and motion hearings for the province in 1987, Rural Courts represented 17% and 12%, respectively, of the workload.

Information available for 1986 and 1987 from Winnipeg Centre saw total judgments increase (8%) from 2,496 in 1986 to 2,707 in 1987. The orders filed in Winnipeg Centre also experienced an increase from 2,324 in 1986 to 2,698 in 1987 (+16%). Finally, information for 1987 indicated that Rural Courts had 750 total judgments.

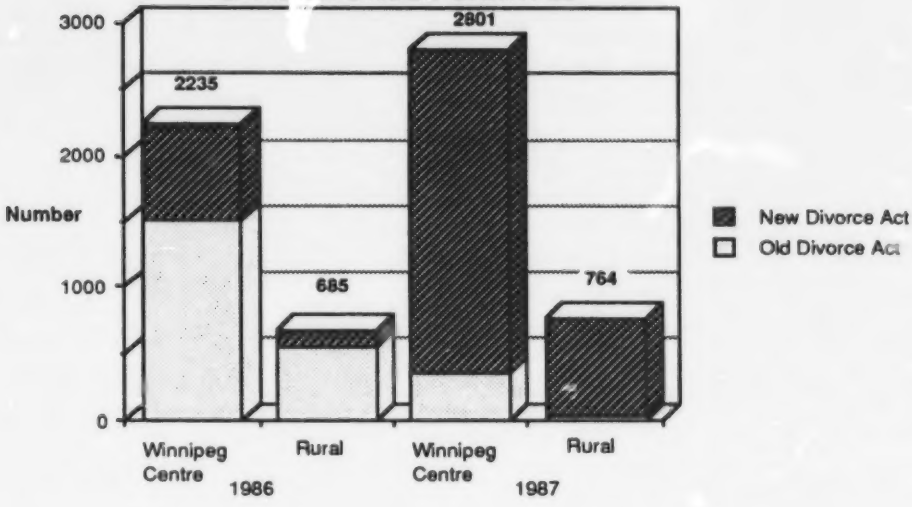
## COURT OF QUEEN'S BENCH:

## FAMILY DIVISION

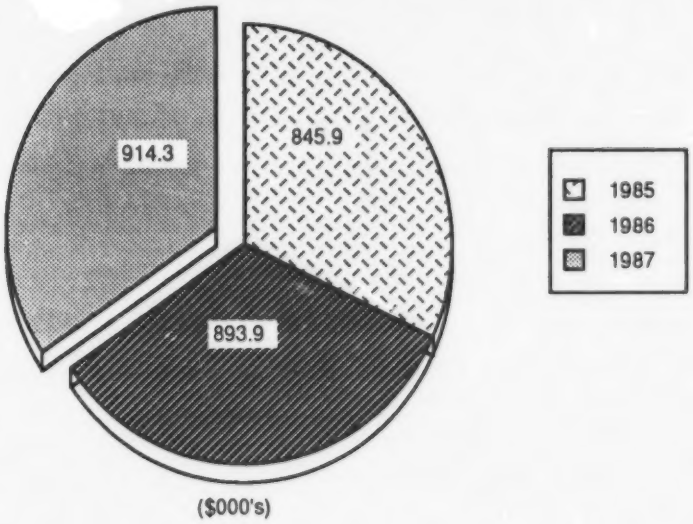
The Famly Division was established in July 1984 to streamline court procedures by having all family law and child protection matters heard in one court. At present, the Division provides services to people living in Winnipeg, St. Boniface and Selkirk. Within these regions, the Court has the exclusive responsibility for all family law matters. Outside these areas, the Court of Queen's Bench shares responsibility for family law matters with the Provincial Court. Matters such as divorce, marital property, and adoption are the exclusive jurisdiction of the Family Division, Court of Queen's Bench.

Actions are commenced by petition or application. Court proceedings include interim motions, references, appearances, pre-trial conferences and trials.

## COURT OF QUEEN'S BENCH FAMILY DIVISION: TOTAL DIVORCES GRANTED




## COURT OF QUEEN'S BENCH - FAMILY AND CIVIL AREAS: TOTAL REVENUE COLLECTED



| Indicator Area | Number | | | % Change | |
|---|---|---|---|---|---|
| | 1985 | 1986 | 1987 | 1986 | 1987 |
| **Divorce Petitions Filed**[1] | | | | | |
| Winnipeg Centre | 2186 | 3118 | 3168 | +42.6 | +1.6 |
| Rural | n/a | n/a | 884 | - | - |
| **Other Applications Filed**[2] | | | | | |
| Winnipeg Centre | n/a | 3237 | 3128 | - | -3.4 |
| Rural | n/a | n/a | 314 | - | - |
| **Total Documents Filed** | | | | | |
| Winnipeg Centre | n/a | 6355 | 6296 | - | -0.9 |
| Rural | n/a | n/a | 1198 | - | - |
| **Total Divorces Granted** | | | | | |
| Winnipeg Centre | 1795 | 2235 | 2801 | +24.5 | +25.3 |
| Rural | n/a | 685 | 764 | - | +11.5 |
| **Total Revenue Fees Collected ($000's)** | | | | | |
| Family and Civil Divisions Combined (Winnipeg Centre) | 845.9 | 893.9 | 914.3 | +5.7 | +2.3 |

1 Divorce petitions can also include applications for relief under Provincial Statutes.

2 Includes applications for relief under Provincial Statutes that do not include divorce petitions.

Just over three-quarters of divorce petitions were filed in Winnipeg (78%) compared with the Rural Courts (22%). Comparisons over time for Winnipeg Centre saw a substantial increase in 1986 of nearly 43% for the divorce petitions filed, followed by a minor increase of just under 2% in 1987. Other applications filed, which include applications for relief under Provincial Statutes, experienced a modest decrease in Winnipeg for 1987. The total documents filed in Winnipeg Centre for 1987 remained essentially unchanged with Winnipeg generating 84% of the total documents filed in the province.

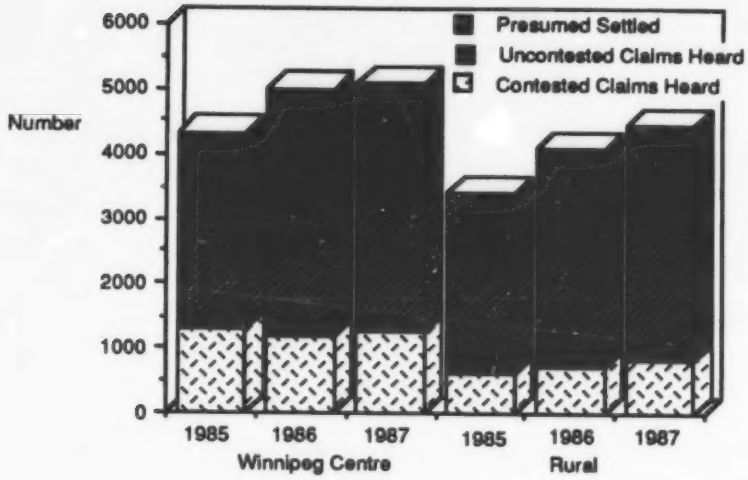
The total divorces granted for Winnipeg Centre increased by approximately 25% for both 1986 and 1987, with divorces under the new legislation comprising 88% of divorces obtained in 1987. Similarly, the Rural Courts had 94% of divorces under the new legislation for the same year. The new *Divorce Act* came into effect in September of 1986.

## COURT OF QUEEN'S BENCH:
## SMALL CLAIMS

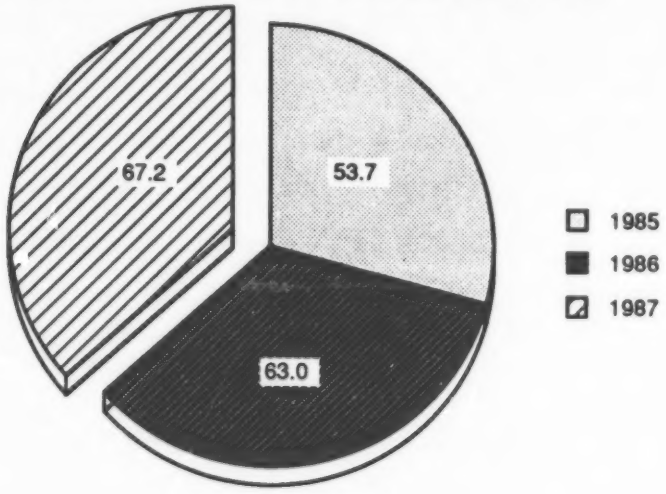
Small Claims Court hears and processes claims for monetary amounts not exceeding $3000. The maximum amount for a claim was raised from $1000 to $3000 in July of 1985. A Deputy or Assistant Deputy Registrar hears cases in the Queen's Bench locations in the province.

Small claims can be made in cases of debt, damage to property, rent arrears, and damages to rented premises, or breached contracts. The court does not collect money on behalf of complainants, but may issue garnishing orders or writs of execution empowering a Sheriff's Officer to seize and sell property to satisfy a debt.

## SMALL CLAIMS: TOTAL CLAIMS FILED




## SMALL CLAIMS: REVENUE FEES COLLECTED




($000's)

(Winnipeg Centre)

| INDICATOR AREA | Number | | | % Change | |
|---|---|---|---|---|---|
| | 1985 | 1986 | 1987 | 1986 | 1987 |
| **Claims Filed** | | | | | |
| Winnipeg Centre | 4327 | 4998 | 5104 | +15.5 | +2.1 |
| Rural | 3408 | 4082 | 4441 | +19.8 | +8.8 |
| **Contested Claims Heard** | | | | | |
| Winnipeg Centre | 1285 | 1202 | 1259 | -6.5 | +4.7 |
| Rural | 605 | 700 | 854 | +15.7 | +22.0 |
| **Uncontested Claims Heard** | | | | | |
| Winnipeg Centre | 1911 | 1959 | 1955 | +2.5 | -0.2 |
| Rural | 1711 | 2111 | 2060 | +23.4 | -2.4 |
| **Presumed Settled Out of Court** | | | | | |
| Winnipeg Centre | 1131 | 1837 | 1890 | +62.4 | +2.9 |
| Rural | 1092 | 1271 | 1527 | +16.4 | +20.1 |
| **Revenue Fees Collected ($ 000's)** | | | | | |
| Winnipeg Centre | 53.7 | 63.0 | 67.2 | +17.3 | +6.7 |

The claims filed in 1987 showed increases for both Winnipeg Centre (2.1%) and Rural Courts (8.8%). Winnipeg Centre had modest increases in both contested claims heard and cases presumed settled out of court in 1987, after experiencing a sizable increase of over 60% for the latter in 1986. Rural Courts continued with considerable growth for both contested claims heard and cases presumed settled out of court, each being in excess of 20% for 1987. Uncontested claims heard decreased slightly for each of the courts in 1987.

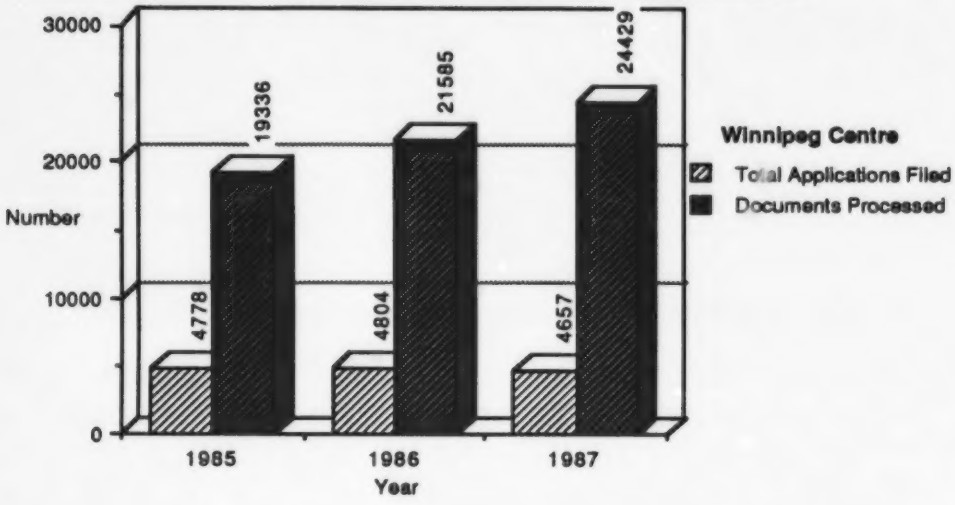
The largest proportion of cases for both courts over the three years was uncontested claims heard, making up 38% for Winnipeg Centre and 46% for Rural Courts in 1987. Cases presumed settled out of court, where neither of the parties appeared for a scheduled court hearing, followed in frequency with 37% for Winnipeg Centre and 34% for Rural Courts.

## COURT OF QUEEN'S BENCH:

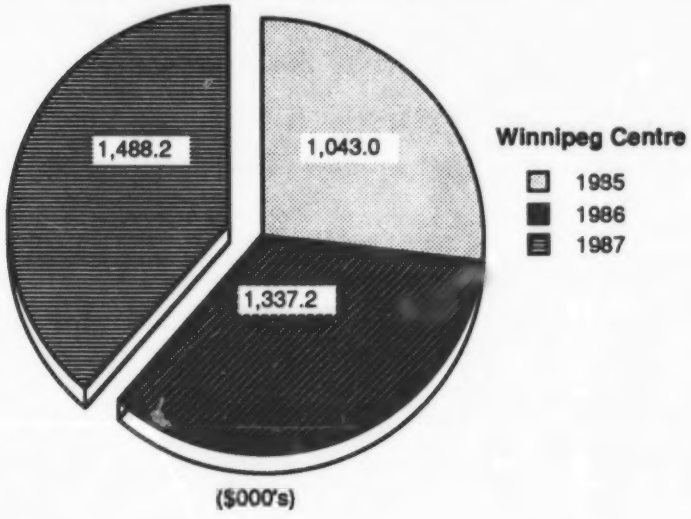
## PROBATE

The Probate area deals with applications to finalize the estates of deceased persons. The reading and interpretation of a will, the appointment of an administrator if the person dies without a will, and the approval of the deceased person's property are some of the responsibilities. All processing and handling of cases for the Province takes place in Winnipeg, although individuals may file their applications in outlying areas.

## COURT OF QUEEN'S BENCH - PROBATE: TOTAL APPLICATIONS FILED/DOCUMENTS PROCESSED




## COURT OF QUEEN'S BENCH - PROBATE: REVENUE FEES COLLECTED



| Indicator Area Winnipeg Centre | Number | | | % Change | |
|---|---|---|---|---|---|
| | 1985 | 1986 | 1987 | 1986 | 1987 |
| Total Applications Filed | 4778 | 4804 | 4657 | + 0.5 | -3.06 |
| Documents Processed | 19,336 | 21,585 | 24,429 | +11.4 | +13.2 |
| Revenue Fees Collected ($000's) | 1,043.0 | 1,337.2 | 1,488.2 | +28.2 | +11.3 |

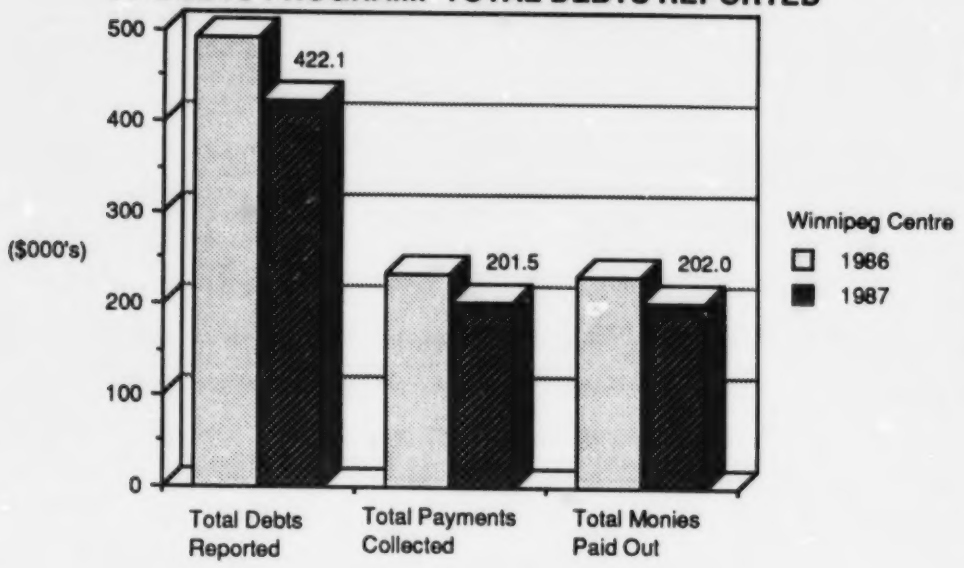
The total applications filed in Probate saw a modest decrease of roughly 3% for 1987 after having experienced little change from 1985 to 1986. However, the documents processed increased steadily over the three years and rose by just over 13% in 1987. Similarly, revenue fees collected grew consistently from 1985 to 1987, ending in 1987 with an increase of just over 11%.

## ORDERLY PAYMENT OF DEBTS PROGRAM

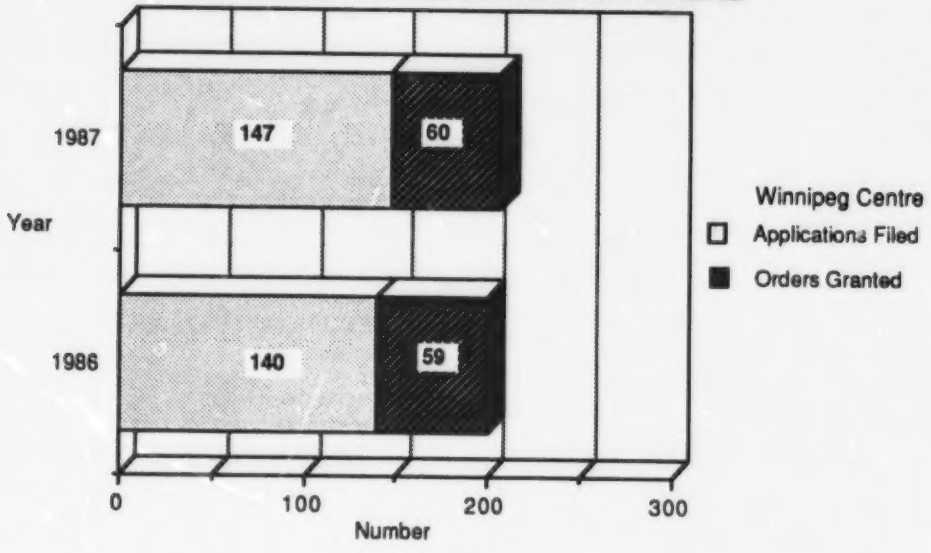
The Orderly Payment of Debts Program is designed to assist persons who have become overwhelmed by debts and require administrative assistance in the payment of their debts. The Program is empowered to take over the administration of debt payments for those persons whose applications are accepted.

The process involves an application to the Program, an interview with the applicant, contacting the creditors involved and setting up a payment schedule (upon approval of the application). Approval of the application depends upon agreement from creditors to receive payments through the Program and the ability of the debtor to pay off debts within the statutory time limit of three years, unless the creditors agree to a longer period for completion of payment. Upon approval, the person in debt makes a monthly payment to the Court, and the Court forwards the payment to the creditors every three months. Through this program, debtors are able to pay their debts without being sued by their creditors.

## COURT OF QUEEN'S BENCH - ORDERLY PAYMENT OF DEBTS PROGRAM: TOTAL DEBTS REPORTED




## COURT OF QUEEN'S BENCH - ORDERLY PAYMENT OF DEBTS PROGRAM: ACTIVITY AREAS



| | Number | | % Change |
|---|---|---|---|
| **Winnipeg Centre** | **1986** | **1987** | **1987** |
| Applications Filed | 140 | 147 | +5.0 |
| Orders Granted | 59 | 60 | +1.7 |
| Total Debts Reported ($000's) | 492.4 | 422.1 | -14.3 |
| Total Payments Collected ($000's) | 233.8 | 201.5 | -13.8 |
| Total Monies Paid Out ($000's) | 231.4 | 202.0 | -12.7 |

Winnipeg Centre had modest increases in both the applications filed (5.0%) and the orders granted (1.7%) for 1987. Roughly 40% of the applications filed resulted in an order granted for that year with a similar proportion of orders granted for 1986. A decrease was seen in the area of total debts reported and further reflected in a reduced amount of total payments collected and total monies paid out for 1987; each of these three areas had decreases of at least 12%.

Information available for Rural Courts in 1987 revealed that out of 38 applications filed, 14 orders were granted representing 37% of the total applications. The monies paid out for the orders granted were $49.6.

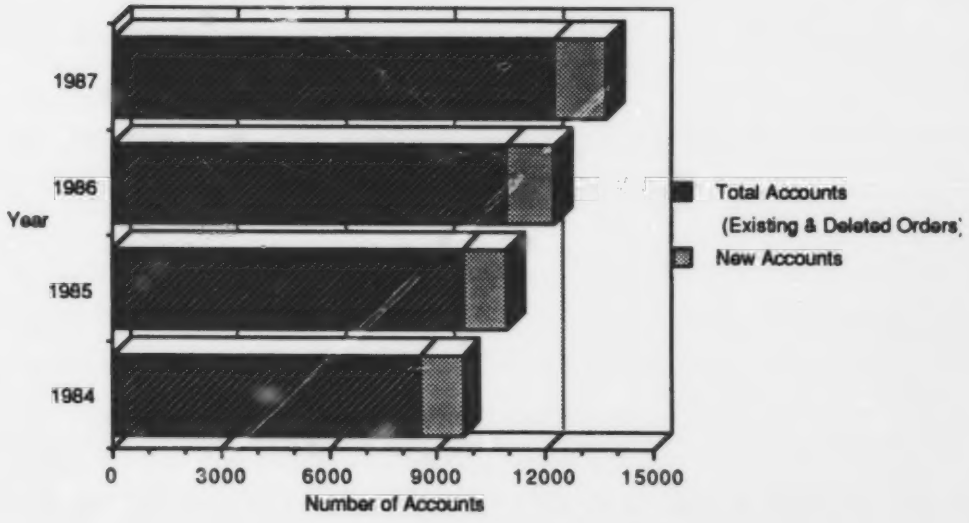
## MAINTENANCE ENFORCEMENT PROGRAM

Manitoba's Maintenance Enforcement program commenced in 1980 and was the first program of its kind in Canada in utilizing computerized monitoring and an administrative enforcement system. The program has since been used as a model by other provinces when developing similar programs.

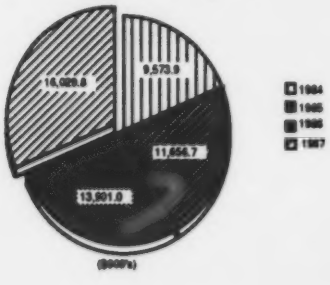
The Maintenance Enforcement Program monitors and enforces all court orders and Separation Agreements stipulating maintenance payments. Court orders are automatically forwarded to the program for enrollment, where they are monitored by the program's computer. The account record reveals missed payments or defaults, and initiatives enforcement action as required. Enforcement may take the form of a summons or a garnishing order; seizure of personal property; registration of the default arrears in Land Titles; or the appointment of a receiver to ensure payment of maintenance. In Winnipeg, the staff includes a Program Manager, Family Maintenance officers and investigators, computer operators, accounts officer and administrative staff.

The program operates throughout the Province and is the responsibility of the Provincial and Queen's Bench courts in rural areas. This facilitates the handling of matters in the payor's home area. An important aspect of the program is its ability to locate people who default on maintenance payments. These provisions are provided for through the statutory authority in *The Family Maintenance Act* , which allows for disclosure of information on the whereabouts of maintenance defaulters from various sources, including Government departments, employers, and private parties.

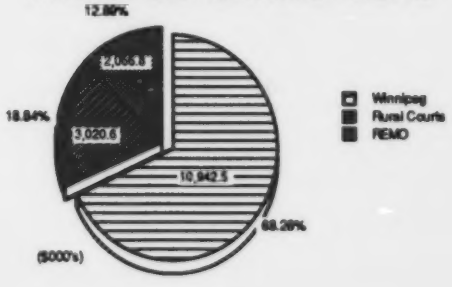
## MAINTENANCE ENFORCEMENT PROGRAM:
## TOTAL ACCOUNTS/NEW ACCOUNTS 1984-1987




**MAINTENANCE ENFORCEMENT PROGRAM:**
**TOTAL PAYMENTS RECEIVED 1984 - 1987**




**MAINTENANCE ENFORCEMENT PROGRAM:**
**PAYMENTS MADE BY RESPONSIBILITY AREA 1987**



| Indicator Area | Number | | | | % Change | | |
|---|---|---|---|---|---|---|---|
| | 1984 | 1985 | 1986 | 1987 | 1985 | 1986 | 1987 |
| Total No. of Accounts | 9,696 | 10,931 | 12,262 | 13,709 | +11.3 | +12.2 | +11.8 |
| New Accounts | 1,142 | 1,235 | 1,331 | 1,460 | + 7.5 | + 7.8 | + 9.7 |
| Existing Accounts[1] | 6,845 | 6,595 | 6,391 | 6,689 | | | |
| Deleted Accounts[1] | 2,069 | 3,101 | 4,540 | 5,560 | | | |
| Total Payments Received ($ 000's) | 9,573.9 | 11,656.7 | 13,901.0 | 16,029.8 | +17.9 | +19.2 | +15.3 |
| Funds Recovered by Program ($ 000's)[2] | 806.9 | 923.8 | 1,015.0 | 961.3 | +12.6 | + 9.9 | - 5.3 |

[1] Since 1985, a major streamlining procedure was introduced which resulted in files that had previously been considered active being terminated. As a result, any comparison over time of either existing or deleted accounts is inaccurate, given that existing accounts are over-represented prior to 1985.

[2] These funds are classified as the dollars recovered by the Maintenance Enforcement Program that would otherwise have been paid out by the Government in the form of Social Assistance programs.

The total accounts in the Maintenance Enforcement program experienced steady increases from 1984 to 1987, with each year having at least an 11% increase. New accounts also saw increases with the largest increase of roughly 10% occurring in 1987.

In conjunction with the continual increases in new accounts was a corresponding growth in the total payments received by the program, just over $16 million in 1987. In addition, just under one million dollars was recovered by the Program and offset provincial monies that would otherwise have been paid out for social assistance. The funds recovered amount was down in 1987 from previous years (-5.3%) as the necessary documentation requiring social assistance recipients to assign maintenance payments ordered under the new Federal Divorce Act had not yet been approved.

A comparison of active maintenance enforcement orders (new/existing accounts) for the three major responsibility areas indicated that Winnipeg handled 62% followed by the rural courts (23%) and REMO orders where the payor lives outside the province (15%). The total payments received for 1987 was distributed as follows: Winnipeg ($10.9 million); Rural Courts ($3.0 million); and REMO ($2.1 million).

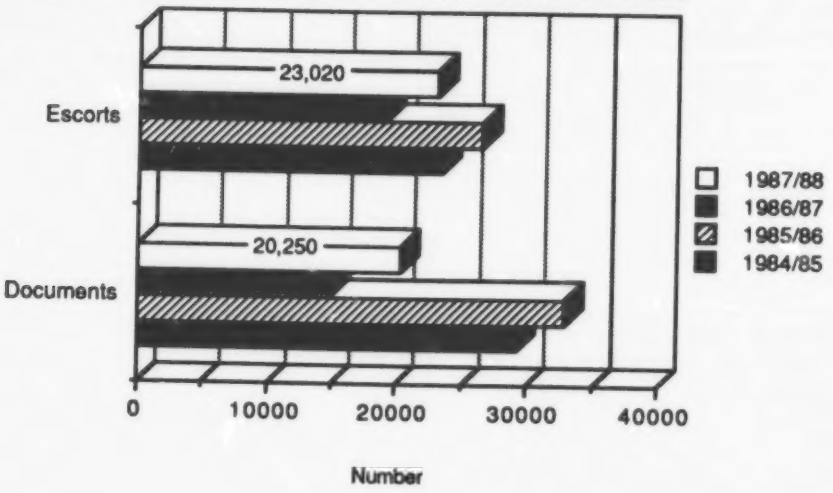
## SHERIFF'S SERVICES IN MANITOBA

The Sheriff's Office is responsible for many duties on both the civil and criminal sides of the court process. Among the civil duties are: serving (delivering) court documents for all government departments including Legal Aid and Maintenance Enforcement; enforcing Queen's Bench orders such as Writs of Execution and court-ordered evictions where a landlord has exhausted all other legal means for removal and possession; conducting investigations to locate defaulting spouses under *The Family Maintenance Act.*

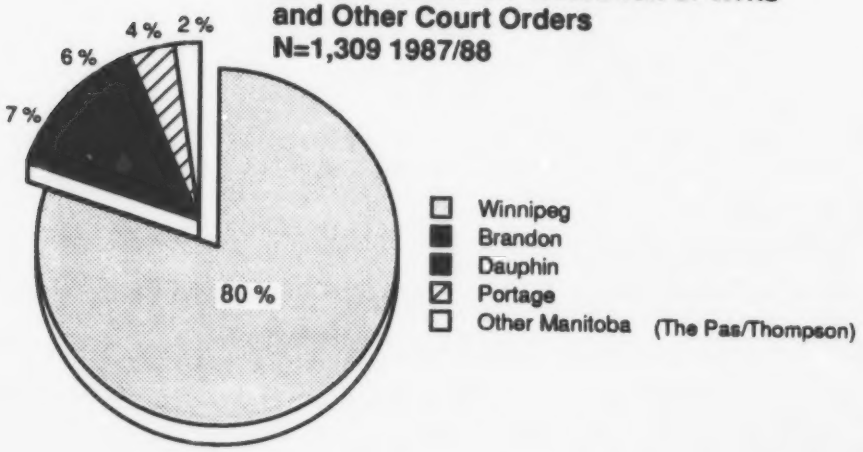
Duties in the criminal area include: service of subpoenas to witnesses in criminal courts; summoning and assembling jury panels for court trials and jury supervision/management during trials; maintaining security and order in all courts throughout the province; and prisoner escort. In recent years prisoner escort has become a major part of the Sheriff's workload. Persons in custody, including federal penitentiary inmates, are escorted from lock-ups and institutions to all court appearances and returned. Custody escorts also include patients committed to institutions under *The Mental Health Act.*

The Chief Sheriff, reporting to the Director of Court Services, is located in Winnipeg. Sheriffs function as area managers in Winnipeg, Brandon, Dauphin, Portage la Prairie, The Pas, and Thompson. Approximately 80 Sheriff's Officers carry out daily field and courtroom duties.

## Sheriff's Services: Document and Escort Services




## Sheriff's Services: Execution of Writs and Other Court Orders N=1,309 1987/88



| Activity Area | Number | | | | % Change | | |
|---|---|---|---|---|---|---|---|
| | 1984/85 | 1985/86 | 1986/76 | 1987/88 | 1985/86 | 1986/87 | 1987/88 |
| Executions[1] | 1,824 | 1,681 | 1,178 | 1,309 | -7.8 | -29.9 | +11.1 |
| Documents | 29,216 | 32,808 | 14,849 | 20,250 | +12.3 | -54.7 | +36.4 |
| Escorts[2] | 23,374 | 26,399 | 18,988 | 23,020 | +12.9 | -28.1 | +21.2 |

1 Includes Writs and other Court Orders.

2 Does not include escorts within Public Safety Building - approximately 10,000 per year from holding cells to courtrooms.

Executions, which includes writs and other court orders, experienced an 11.1% increase in 1987/88, having decreased over the two previous years. Similarly, the documents served jumped by just over 36% in the most recent year after a substantial decrease in 1986/87. Escorts rose 21.2% in 1987/88.

A provincial breakdown of activities for Sheriff's Services in 1987/88 saw Winnipeg with the majority of executions (80%), documents (57%) and escorts (50%). Brandon followed in frequency with 7% of executions, 30% of documents and 11% of escorts. Other areas of the province had the remaining 13% of executions, 13% of documents and 39% of escorts. The great majority of escorts provided by Sheriff's Services were for adults (83%) as opposed to youth (17%).

## COURT REPORTERS

Court Reporters are responsible for providing a verbatim record of the evidence and proceedings in civil and criminal trials. They cover cases in Court of Queen's Bench and Provincial Court. They do not cover the Court of Appeal, traffic cases, or cases heard by a limited jurisdiction magistrate. They also provide, for a fee, typed transcripts of court proceedings for judges, lawyers or members of the public.

The Chief Court Reporter is in charge of the branch with two senior court reporters to assist with scheduling and supervision. There are 40 court reporters in Winnipeg, 13 others in various locations in the rest of the province.

## COURT COMMUNICATORS

The responsibility of the court communicators is to assist native people in developing a better understanding of their rights, interests, privileges and obligations in relation to the criminal justice system. The court communicator's role is to explain the court process, the nature of the charges involved, the possible outcomes of a court case, and to provide assistance in obtaining a lawyer. If a native person requires assistance in filling out applications for Legal Aid or other benefits, the court communicator will assist in that process as well. Most of their work is done outside the courtroom, consulting with clients' lawyers and performing other duties as required. They also attend court to provide guidance and support and can provide the court with relevant information regarding the accused.

There are ten court communicators in Manitoba, under the direction of a Chief Court Communicator in Winnipeg. They are located throughout the province in Fort Alexander, Brandon, Dauphin, The Pas, Thompson and Grand Rapids as well as in Winnipeg. They travel to various locations within their area as required. The program is jointly funded by the provincial and federal governments.

## PROVINCIAL COURT

Provincial Court is the only court in Manitoba to exercise an exclusively "original" jurisdiction, hearing all cases for the first time and not hearing appeals. In general, less serious offences are tried in Provincial Court. The court has exclusive jurisdiction over all summary offences, as well as some of the less serious indictable offences, including assault, theft under $1000 and obtaining money by false pretences. Of all criminal proceedings in the province, 95% are heard in Provincial Court. Judges of the Provincial Court are appointed by the Provincial Government.

Provincial Court is divided into three main areas, Criminal, Youth and Family Court and sits in five areas in Winnipeg, and in many locations in the province. Traffic cases, cases involving first offenders, impaired driving offences and other summary criminal matters are handled by magistrates and justices of the peace.

The Criminal Division handles criminal charges against adults involving summary conviction offences and some indictable offences. It is also responsible for conducting preliminary hearings for more serious indictable offences.

The Youth Court is responsible for all charges under the new *Young Offenders Act (Canada)* brought against young people between the ages of 12 and 17.

The Family Division hears family disputes such as child custody and family maintenance (but not divorce). This section of the Provincial Court operates in all areas of the province outside Winnipeg, St. Boniface and Selkirk. Family matters in these three court locations are heard in Queen's Bench Family Division.

Comparable statistics from the Provincial Court locations in Winnipeg and other areas of the province are not available for inclusion in this report. It is expected that pertinent indicators for Provincial Court will be available in the near future.

## LEGAL LIBRARY RESOURCES

Legal Library Resources was established in February, 1986 as an amalgamation of the Attorney General library and office collections with the former Law Society of Manitoba courthouse libraries.

Prior to 1986, the Great Library in Winnipeg and the rural courthouse libraries served the private Bar, judges and a few departmental staff. The Attorney General's Library served crown attorneys, the federal and provincial judges had their private libraries. Each program in the Attorney General's Department maintained separate small office collections.

Now all but the judges' libraries are open to the general public, and new library publications (law reports, statutes, government reports, textbooks, etc.) are catalogued centrally.

Under the supervision of the Manager, the Legal Library Resources branch has a staff of nine (librarians, library technicians, and administrative support) in Winnipeg. The four active courthouse libraries in Brandon, Dauphin, The Pas and Thompson are maintained by part-time clerical courts division staff.

Public services from the Great Library in Winnipeg include the handling of thousands of legal information requests and referrals in-person by mail and by phone; indexing of unreported Manitoba decisions; computerized legal database searches for department staff and the Judiciary; comprehensive photocopy services; interlibrary loan of books to and from other collections; and circulation of books to court.

Non-public activities include coordination of ordering and payment for publications for approximately 75 office and library locations; the development of a computerized catalogue of the various library collections; physical moving of libraries as programs

amalgamate or decentralize; and inventories of the existing collections throughout the province. Occasional travel to non-Winnipeg offices is done to train rural library staff, to consult library users, and to inventory and catalogue collections.

The Legal Library Resources Users' Committee provides advice and consultation to the Manager. Members include two representatives each from the Attorney General's Department and the Law Society of Manitoba, and the director of the E. K. Williams Law Library at the University of Manitoba.

**Great Library, Winnipeg**

**ACTIVITY AREA**

| | 1987/88* |
|---|---|
| Information requests: | 6,110 |
| General Information requests: | |
| Complex | |
| Government staff; judiciary | 551 |
| Private Bar | 3,106 |
| General Public | 59 |
| Totals | 3,716 |
| Total Information Requests | 9,826 |

* The Great Library was closed during October and November, 1987 during move back to renovated Law Courts. Therefore, only 10 months of full service activity.

## MASTERS/REFEREES

Masters and Referees have jurisdiction in both the Civil Division and the Family Division over various matters including enforcement hearings under *The Family Maintenance Act*, certain child protection matters, and various motions and applications in the Court of Queen's Bench. Masters also conduct references, which are judicial inquiries regarding matters specifically referred by judges. The four Masters are also Registrars in Bankruptcy and in that capacity hear various kinds of applications under *The Bankruptcy Act* including applications for discharge of Trustees and Bankrupt, and appeals of Trustees' disallowances.

Hearing Officers in the Court of Queen's Bench hear Small Claims matters and maintenance enforcement screening matters.

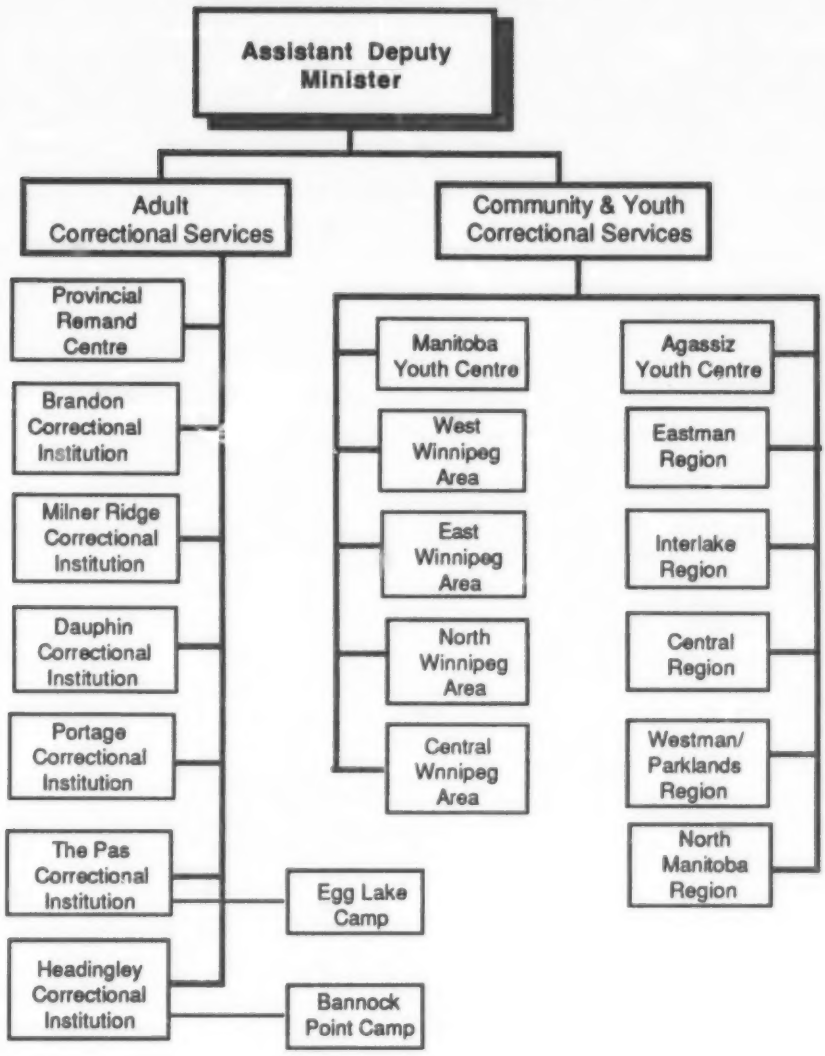
## COURT SERVICES/ADMINISTRATION

This branch provides administrative and financial support services to the operation of the courts and related services. Its areas of responsibility include: planning, direction and policy; personnel services; financial services; systems; facility utilization and design; equipment and supply services; and, legal research and forms design.

The Director of Court Services is also responsible for the operation of court support services - Sheriff's Services, Court Reporting Services, Court Communicators, Maintenance Enforcement Program and Legal Library Services.

The branch assists and serves approximately 480 staff performing court-related duties as well as to approximately 75 - 80 judges. It coordinates the renovations and spacial requirement for 20 court facilities.

## CORRECTIONS DIVISION




Manitoba Corrections, as part of the justice system, plays a major role in the protection of society, reintegration of offenders, prevention of crime, and maintenance of law and order. Corrections Division comprises the Assistant Deputy Minister's Office, Adult Correctional Services, and Community and Youth Correctional Services.

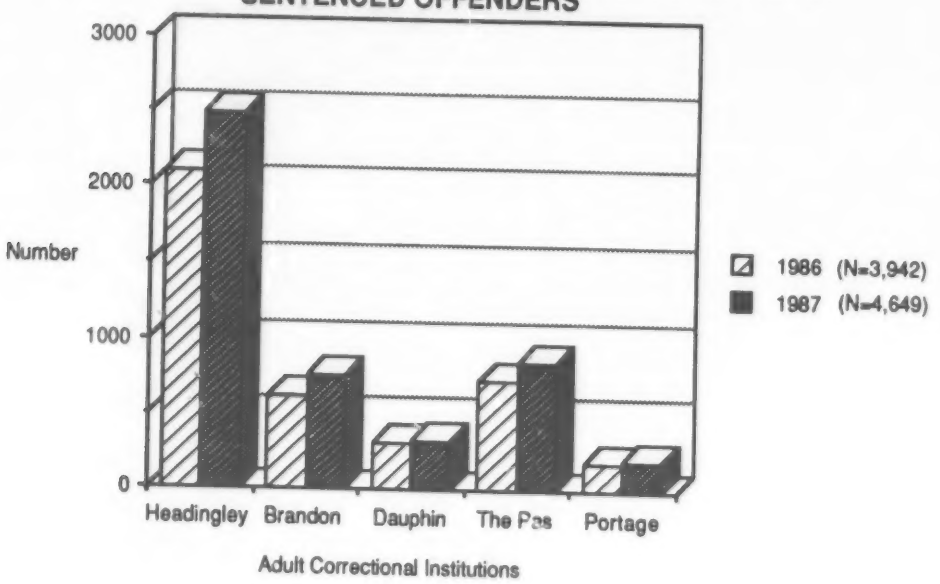
The Assistant Deputy Minister's Office provides overall direction, coordination and control of Division activities. It is also specifically responsible for coordinating

administrative, financial, medical, and chaplaincy services, as well as conducting investigations, inspections, and operational reviews.

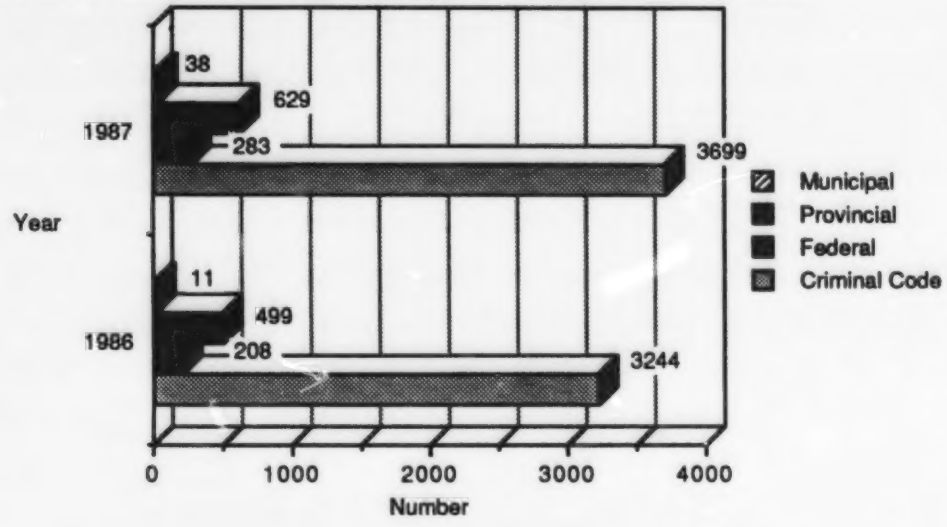
Adult Corrections is responsible for the care and custody of adult offenders who are detained in custody pending a court decision on their charge(s) or who are sentenced to incarceration in a provincial institution (for periods up to two years less a day).

Community and Youth Corrections is responsible for all correctional, including institutional, services to young offenders and the provision of community correctional services to youths and adults throughout the province. These services are delivered through the Manitoba Youth Centre, Agassiz Youth Centre, regional community corrections offices, and a number of sub-offices.

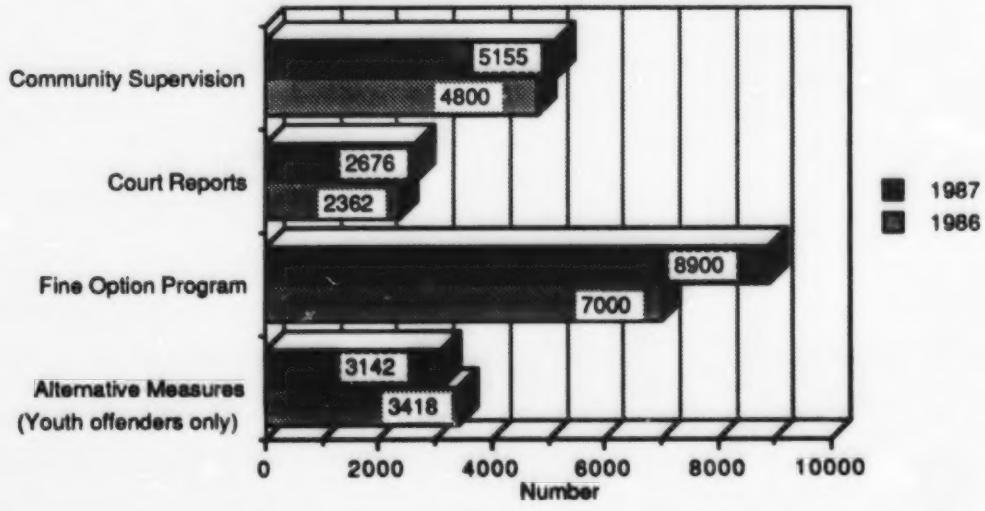
**PROVINCIAL ADULT CORRECTIONAL INSTITUTE ADMISSIONS**
**SENTENCED OFFENDERS**



## ADULT CORRECTIONAL INSTITUTIONS SENTENCED OFFENDER BY MOST SERIOUS OFFENCE




## CORRECTIONS: COMMUNITY-BASED PROGRAMS FOR YOUTH AND ADULT OFFENDERS



| Indicator Area | Number 1986 | 1987 | % Change 1987 |
|---|---|---|---|
| Adult Correctional Institutions | | | |
| All Admissions* | 5,941 | 6,405 | +7.8 |
| Sentenced Offenders | 3,942 | 4,649 | +17.9 |
| Youth Correctional Services | | | |
| Temporary Detention | 2,707 | 2,684 | -1.6 |
| Secure Custody | 193 | 215 | +11.4 |
| Open Custody | 385 | 375 | -2.6 |

*Includes those individuals sentenced, remanded for trial and precourt residents.

Total admissions to adult correctional institutions in 1987 saw an increase of nearly an 8%. The proportion of sentenced offenders among total admissions increased from 66% to 73% from 1986 to 1987. The most common length of sentence for all adult correctional institutions (excluding the Provincial Remand Centre) was 8 -30 days followed by 31-60 days for 1987.

Youth corrections in 1987 saw decreases in temporary detention (-1.6%) and open custody (-2.6%) while secure custody rose by 11.4%. Information on the average days per stay at youth correctional facilities was available for 1987. Temporary detention had an average days stay per discharge of 13.7, followed by secure custody at 156.2 and open custody at 143.3.

Community-based offender programs grew from 1986 to 1987. The Fine Option/Community Service Order Program provides an alternative to prison and a benefit to the community for non-payment of fines, where the offender cannot pay. This program had a 27% increase in participants from 1986 to 1987.

Community Supervision (+7%) and Court Reports (+13%) programs also grew in 1987. Court reports involve pre-sentence and pre-disposition reports prepared at the request of the courts to provide background information to assist judicial decision-making.

Finally, Alternative Measures, which allows young offenders charged with criminal offences a community alternative instead of going through court proceedings,

was provided for more than 35% of the youth served in 1987. The alternative measures utilized were reparation to victims, community service work and crime prevention activities with an 8% decrease in 1987.

# LEGISLATION AND LEGAL TRANSLATION

## LEGISLATIVE COUNSEL

The Office of the Legislative Counsel consists of a Legislation Branch and a Legal Translation Branch. The Legislation Branch is responsible for ensuring that the legislation (statutes, regulations, some orders in council) required to support the activities of government is developed and written in accordance with the policy directions of the Cabinet and within the overall scheme of existing Manitoba legislation. The Branch advises on issues relating to the role of the Lieutenant Governor, the Legislative Assembly, the Cabinet and the Ministers and periodically reviews the laws of Manitoba for currency and accuracy. In addition the Legislative Branch participates in the Uniform Law Conference of Canada and advises the Attorney General with respect to the enactment of Uniform Acts in Manitoba.

The lawyers in the Legislation Branch provide the services associated with the role of Law Officer of the Assembly, including legislative drafting for members of the Assembly and private persons petitioning for Private Bills. Legal advice is provided to members of the Assembly related to their duties. In addition, advice is given to the Speaker, the Clerk of the Assembly, the Legislative Assembly Management Commission and certain officers of the House, and to committees of the Legislative Assembly reviewing bills, including drafting of committee amendments.

The Legal Translation Branch provides translation services for all legislation (statutes, regulations, orders in council) requiring translation into French as a result of the 1985 Order of the Supreme Court of Canada. Translation services are provided to the Legislative Assembly, to the extent necessary to ensure that the enactment process is in the two official languages, and to the courts as required.

The Legislative Counsel Office arranges for the preparation and publication of Bills, separate chapters, Sessional Volumes, loose-leaf C.C.S.M. statutes and regulations. The Office also prepares and maintains up-to-date tables regarding the status of all

enactments, reviews on an on-going basis the accessibility of Manitoba's laws and works with user groups to improve that accessibility.

The Office manages the project to re-enact the laws of Manitoba in the two official languages.